

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT WORK SUMMARY**

**DPA CASE #: 164-16
NAME: Office of the Mayor
INV: Wechter /Stonecipher
PAGE: 1 of 84**

OIS INVESTIGATION

DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)

04/07/2016- OCC received a request from the Office of the Mayor to conduct an independent investigation into the officer-involved shooting that occurred on Thursday, April 7, 2016.

E. Baltazar
Deputy Director

4/11/2016

DD Baltazar prepared the OCC 293, ACF and narrative, then forwarded the OCC packet to A/SI Fletcher for assignment to Inv Wechter.

DD Baltazar

04/11/2016

Received OCC 293 from DD Baltazar. Discussed assignment to Inv Wechter, intake duties for Inv Wechter and preparation for canvassing efforts. DD Baltazar agreed that Investigators' Maunder and Gray could accompany Inv Wechter for canvassing efforts as soon as possible.

-Called Inv Wechter to advise that OIS would be assigned to him. We discussed his caseload and intake duties will be suspended. Jayson stated he would prepare for immediate canvassing to locate witnesses on Wednesday, April 13, 2016.

-I agreed to fill-in for Jayson as back-up intake on April 13, so he can initiate his preliminary investigation.

-Sent text message to Sara for availability for canvassing with Jayson on 4/13/16. Sara responded that she is available.

-Left voice message for Susan for availability for canvassing with Jayson on 4/13/16.

-Communicated by email with Ines Fraenkel (assigned attorney) who stated that she would like to be present during canvassing.

Sherry Fletcher

4/11/16

JW

I ran CAD for this incident (Event History Detail No. [REDACTED]). Incident Report No. [REDACTED] was issued.

4/12/16

JW

I sent a Routine Request to SFPD Records for Incident Report No. 160286132.

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04/12/16: PHONE INTAKE BY E. DOLESE: I took a recorded statement from the complainant [REDACTED]. The complainant stated she wanted to make a complaint regarding the officer-involved shooting that occurred on April 7, 2016 on Shotwell between 18th and 19th. I advised the complainant that our office has already opened an investigation regarding this incident and asked her if she wished to be a co-complainant. She indicated she did and I took her statement.

Summary of co-complainant [REDACTED] OCC interview:

The co-complainant stated she heard about the shooting at work and went by after work around 4:00 p.m. to find out what had gone on. She spoke to a number of witnesses who said the man was a very nice guy, Luigi Gongora, and he was not brandishing a knife at the cops at all. He was sitting on the ground against the wall and the police roared up in their cruisers and within 30 seconds he was dead. They shot him multiple times and killed him.

The co-complainant stated she did not witness the incident but she spoke to witnesses who were there living in the camp and knew him. She did not get any of the names or contact information of the witnesses but the names are on the Facebook page which is called Justice for Luigi Gongora. It's been written about in the paper and the names are in the Examiner as well.

She wants to file a complaint as a citizen. She is horrified that the police did this and if they want the homeless out they need to find another way.

The co-complainant stated she heard from other unknown witnesses the police had been there and slashed their tents with knives and kicked out a lot of the belongings and scared the residents and were verbally abusive to them.

She thinks the police chief should be fired and they need to do an investigation into the whole police department.



04/13/16: Rec'd email from Inv. Wechter with text from Facebook post by the co-complainant Ruth Sakheim. Spoke to Inv. Wechter. He does not have the case file yet or the IR #.



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with him the night of the shooting because she was afraid to return to her tent. When [REDACTED] returned to her tent the next day, her belongings were scattered or missing. [REDACTED] stated some of the people from Mr. Gongora's encampment, including [REDACTED], had been relocated to the Navigation Center. [REDACTED] told S. Gray, "[REDACTED] will have trouble telling the story accurately," but did not elaborate on this. [REDACTED] stated he has a BA in administrative justice.

Unidentified white female

An unidentified white female spoke with S. Maunder and S. Gray from inside a tent located on the north side of 19th Street east of Shotwell St. She stated that she was present, but did not witness the shooting. She was aware HOT team members were meeting with a [REDACTED] woman about prenatal services before Mr. Gongora was shot. She stated Mr. Gongora was not violent and spent a lot of time kicking his soccer ball around the 400 block of Shotwell St.

[REDACTED] (LNU)

A young African American woman named [REDACTED] was in the encampment on the north side of 19th Street east of Shotwell St. when she spoke with S. Maunder and S. Gray. [REDACTED] stated that she slept late the morning of the shooting and awoke to the sound of gunfire. [REDACTED] stated she often spent time with Mr. Gongora, who was not violent. Mr. Gongora spent most of his time collecting recycling and kicking his soccer ball around. He used to work as a cleaning person at a nearby hotel. [REDACTED] did not know if Mr. Gongora had any health problems and stated he was not known for excessive drinking.

[REDACTED]
[REDACTED]
A reporter for [REDACTED]. [REDACTED] told S. Maunder that he was looking for [REDACTED] because he had an appointment to meet her for an interview. [REDACTED] stated he had recorded interviews of several people from the encampment who were present during the shooting and would be willing to share their statements and names with the OCC. [REDACTED]. [REDACTED] was also looking for video footage. [REDACTED] learned through his investigation that Mr. Gongora was of Mayan descent and had difficulty communicating in English and Spanish because his native language was a rare dialect.

[REDACTED].
Workers at this ground-floor business said they did not witness the shooting. One employee at this firm approached us as were hanging flyers and offered to give us stronger tape. He went into [REDACTED] to retrieve the tape. He stated he often saw Mr. Gongora kicking his soccer ball on the 400 block of Shotwell in a "territorial" manner.

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434-438 Shotwell

We contacted the receptionist/admin worker at the firm inside this building, who said no one there had witnessed the incident.

4/13/16

JW

I received a v.m. message from [REDACTED], who lives at [REDACTED], stating that she is eager to speak to me but [REDACTED] yesterday and is in the [REDACTED]. Her phone # is [REDACTED].

04/14/16: E. DOLESE: Prepared narrative and initial ACF. Completed 293 and forwarded copies of 293, narrative and ACF to admin.



04/14/16: INITIAL ALLEGATIONS:

- **UF – The officers used unnecessary force. (ID Pending)**
- **CRD – The officers engaged in inappropriate behavior and/or comments (ID Pending)**



04/14/16: Forwarded original 293, narrative, ACF and copy of Facebook post to assigned Inv. Wechter.



4/14/16

JW

Sgt. Gary Watts of SFPD Homicide emailed me IR # [REDACTED] (22 pages).

I called [REDACTED] (who provided SFPD with footage from his externally mounted video camera) at [REDACTED] l.m. on v.m.

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4/15/16

JW

██████████ returned my phone call and left a message on my voicemail, which I picked up while off on CT. I returned ██████████'s call from home. He said is leaving for Los Angeles on Monday, and it would be difficult for me to come to his home before then to conduct an in-person interview. I told him I would like all the video recorded on his camera from 7:30 a.m. to 10:30 a.m., which he said is saved in a cloud account. He said the only activity he saw on the video prior to the shooting was Luis Gongora kicking a soccer ball (at an unspecified time). ██████████ said he will email me a Dropbox link to the video footage. He will be available for a phone interview on Monday, 4/18, and can meet with me at his home after he returns on 4/25/16. ██████████ and his email address is ██████████

4/18/16

JW

I interviewed ██████████ by telephone at ██████████ (recorded).
SEE INTERVIEW TRANSCRIPT FOR DETAILS

██████████ stated that he and ██████████ live in a residential unit on the ██████████ of ██████████. On the morning of 4/7/16, ██████████ was in his kitchen, sitting in a chair next to the window facing Shotwell St. ██████████ identified the window as the one above the planter box, between the doorway to the left of ██████████, and the black, corrugated garage door (see photo below).



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The center window was open. [REDACTED] had been sitting there for approximately 30 minutes when he heard cars pulling up and stopping quickly. [REDACTED] stood up and looked the window.

[REDACTED] saw three marked police vehicles stopped in Shotwell Street in front of his window.

2 officers exited immediately from two of the cars.

A third officer exited a vehicle that was parked behind them.

The officer who exited the first vehicle had a pump shotgun with an orange plastic nozzle on the barrel and orange somewhere else on the gun. [REDACTED] stated that he is familiar with and has fired a shotgun

The officers walked towards Luis Gongora, who was sitting on the sidewalk with his back against the wall of the [REDACTED] Building located on the east side of Shotwell Street. Gongora's, **knees were up and his hands were resting on top of his knees.** [REDACTED] thinks he saw something in Gongora's left hand, black, the size of a paperback book or a large remote control. [REDACTED] stated,

"It did not look like a knife to me, because, but, it didn't, you know, he could have had the blade down and, you know, I was just seeing the handle. Subsequently I've seen news reports and, you know, there was a black-handled knife, and it certainly could have been that, that was in his hand. But to me at the time, it didn't register as a knife." (14:45)

Gongora was **sitting directly next to or in front of the last pilaster of the [REDACTED] building** next to the garage door that is the first garage door located south of the telephone pole and the yellow "SCHOOL" sign.

[REDACTED] stated that it was obvious the officers were going to confront Gongora.

Off. # 1 (who was carrying the shotgun) started shouting commands to Gongora when he was **within 6 to 7 steps from his vehicle (LOCATION?).** [REDACTED] noticed who he was shouting commands to. Off. # 1 raised the shotgun into a firing position, with the butt of the stock against his shoulder and the side of the shotgun against his cheek, soon after he exited his vehicle, "**as soon as he cleared the obstacle, which was the tree (the tree closest to the telephone pole).**" (CHECK LINE OF SIGHT) Off. # 1 held the shotgun in this position as he approached Gongora.

Off. #1 shouted commands of "Get on the ground." Off. # 1 stepped from the street onto the sidewalk **(LOCATION?)** and moved down (south) on the sidewalk towards Gongora. Off. # 1 said, "Get on the ground" three or four times. [REDACTED] did not hear Off. # 1 say anything else to Gongora.

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Off. # 1 “walked directly towards Luis, so parallel the building there.” **Off. # 1 was closer to the building than to the curb. [REDACTED] estimated that he was approximately two feet from the wall of the [REDACTED] building.**

Off. # 1 stopped 10 to 15 ft in front of Gongora, “down the wall, down the wall, down the [REDACTED] building, on the sidewalk, parallel to the building.” Off. # 1 stopped north of Gongora, and was still close to the building wall.

A white pickup truck was parked next to the garage driveway. (20:30)

2: Pass side: approached Gongora (in tandem, separated 15-20 ft.).

#2: officer from 2nd car walked up to join the 1st officer. To the right of 1st officer, 10-15 feet from # 1, back and to the right.

After # 1 shouted commands

1: fired 3-4 rounds with beanbag shotgun. (LOCATION?)

Gongora was seated against wall of [REDACTED] bldg.

When # 1 started firing, Gongora remained seated and turned to left (south) to face away from the officer **so beanbags would hit him in back**. Rotated upper body, and kind of bent his back a little, so he kind of turned and bent back a little. Whole upper body turned and bent down from seated position when being shot with beanbags. Hands were ifo his body. CN see object in L hand.

1 stopped shooting. Gongora jumped to feet pretty quickly, **extended arms a little bit**, (DEMONSTRATE) shouted, inaudible – “why shooting me” “or what’s going on” (IN ENGLISH?) – seemed confused. # 1 said something to the effect of “Put it down, put that down, drop it.”

Extended arms: kind of a gesture with his arms not fully extended, out to the side, not up and not down, almost parallel to his body, **kind of gesturing like what’s going on**. Body language – someone wondering what was happening to them, questioning. Gongora shouted something inaudible (can hear Gongora’s voice on video). **Within 1-3 feet of where he’d been seated, away from wall (LOCATION?)**

One or both officers shouted drop it, put that down, similar phrases.

1: Against wall, out slightly from wall, not too far from tree (south of tree) (LOCATION?)

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2: Sort of joined him and 6' – 8' to his right (towards the curb). Between telephone pole and the tree (LOCATION?)

When shooting started they appeared to move back and to their left (LOCATION? PATH OF TRAVEL?)

Gongora did not move before he got shot, then **moved back & forth and fell forward.**

#2 pulled gun and began shooting Gongora.

Gongora fell forward after being shot. End up next to telephone pole, slightly east and south of telephone pole. Within 2' of telephone pole. Fell forward, on stomach; **head facing north, slight angle**, more northwest than northeast. Saw something (black telephone pole may have been in way), thinks IT fell to Gongora's right, towards wall. **Not sure what it was – might have been a shoe.** Truck may have blocked Whitworth's view.

Gongora was flipped over when ambulance came.

Believe # 1 still holding shotgun, also pulled gun and may have fired.

Officers immediately on radios, calling for ambulance. Gongora motionless on sidewalk entire time.

Immediately after shooting, [REDACTED] turned and could not look any more.

When [REDACTED] came back 30-60 seconds later, thinks Gongora still in same position. Saw them flip him over and perform CPR. Watched more or less continuously till paramedics arrived. Looked and would turn away. Looking more or less constantly from point when shot & lying on the sidewalk. Did not see object in Gongora's hands again.

"Like a little pointy shot."

Blood on sidewalk: immediately in front of Gongora, **a lot of blood in front of his body, forward of his head.** Poss moving downhill. looked like had started underneath him and worked its way towards the curb. Couple of feet north of where he'd been laying, probably moving down, north and towards the curb.

Approx 8 – 10 feet from where Gongora sitting to where he fell.

Once Gongora getting shot, seemed to be moving around and falling, fell forward.

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Some people said he lunged at the police (WHO?) but that was not my sense of it. [REDACTED] did not see Gongora move in direction of officers. Recalls he stood up, gestured "What the heck" then the officers started shooting, and he flailed around. Did not see Gongora making any overtly or even covertly moves towards the police.

Objects did not block [REDACTED]'s view. **View only obscured when Gongora on the ground (CONFIRM)**

Distance of Gongora to officers before fired – at least 10', maybe 12'-15'. They were a pretty good distance away (48:00)

SPEAK TO GONGORA IN SPANISH? No. [REDACTED] not sure that Gongora speaks Spanish fluently, he's Mayan, they have their own dialect. [REDACTED] **& neighbor spoke to Gongora in Spanish, neighbor spoke to him in Spanish (Gongora UNDERSTAND SPANISH? ENGLISH?)**

Gongora never seemed to understand [REDACTED].

Officer's voices:

Officer # 1: shouting in a very commanding voice;
Off. #2: Similar, commanding voice.

[REDACTED] did not see anyone between Gongora and 19th St.

3rd officer came up after 1st two officers engaged Gongora, but kept his distance, in middle of street, did not draw weapon, not involved in confrontation.

Girl (seen in video) moving northbound, turns and looks at what's happening, runs when shooting starts.

1 lower shotgun? Only after # 2 began shooting. # 1 pulled out his gun at that time, switched hands, held shotgun in L hand, held pistol in right. **# 2 pulled his handgun first, started firing first.**

Officers move as firing? **Began to move backwards and towards the wall.** Officer # 2 4 -5 ft;
Off. #1: 2 - 3 ft. **(LOCATIONS?)**

[REDACTED] saw upstairs neighbor ([REDACTED]?) exit building, she stood there, looking.
[REDACTED] went downstairs to talk to her. Approached by officers who wanted to interview us.

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1st interview: officer asked if he could record [REDACTED]'s account. Stepped into entryway of building, into foyer, Recorded on cell phone. 5 - 10 minutes. Officer was a W/M, young, dark hair.

[REDACTED] went back inside, found video. Within 10 minutes, a lot of officers, detectives, Chief Suhr in his house. [REDACTED] sat down at desk with Suhr, he watched it. This was before [REDACTED] was interviewed by homicide investigator.

Officer in a suit. Interviewed by couple of homicide detectives, poss recorded. They took lots of notes. Thinks someone recorded with cell phone: 20 minutes.

During one interview, [REDACTED] said he had a dropcam video, may have something on it.

[REDACTED] showed video to Suhr & ½ dozen other officers.

Chief Suhr in [REDACTED]'s unit along with commanders.

Officers also interviewed [REDACTED], who only heard gunshots, looked out window after the fact.

No subsequent interviews.

When showing video to Suhr, horrible experience to see it again, played it again for someone else. [REDACTED] has tried not to watch it. Has seen on the news a couple of times. Has not watched by self since that day.

Video recorder: Dropcam by Nest. 1080p, hi-def video. Records to cloud-based storage. Thinks 30fps. [REDACTED] doesn't know if they have a time code. [REDACTED] thinks they must, but not a feature of that software.

3 video files:

CSI got 8:30 to 10:30 a.m. Can only do 1 hour before it converts to time-lapse video, Gave him 8:30 – 9:30 and 9:30 to 10:30 a.m. he found a gap, 15 minutes.

8:30 – 9:15; 9:15 – 9:30; 9:30 – 10:30

Should be two 45 minute & 1 15 minute.

1.5 – in-between, short

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Contact with Gongora:

██████████ interacted with Gongora regularly last 5 – 6 months since started to appear on Shotwell St. Had given him food & \$ on occasion. Gongora seemed a little different than other homeless out there. Always saw Gongora on the street, no in a camp. Never acted aggressively towards me. We had some rapport.

██████████ heard him shout a lot of times for no particular reason, in Spanish & Mayan. Seemed to happen more frequently in the last months. Lately kicking the ball more at people & cars, just to try and interact with people, **a little bit more of an aggressive...**(1:10:00), ...**having some problems**. He played soccer 12 – 14 hours a day, kicked ball against ██████████ building. Interacting with people & moving cars more frequently, **unusual behavior. Kind of a dangerous & he'd intentionally kick it right ifo the car**. And then the shouting, heard him shouting more.

Never saw Gongora going in or out of a tent.

██████████ had not seen Gongora with a knife.

At time of shooting, did not see anyone on other (east) side of street. Homeless tent directly across from ██████████'s window. Man & woman, they came out of tent when the commotion started. Thinks heard her scream. ██████████ did not know names. W/M, 30s, medium build; W/F, 40s, blonde hair. Thinks man has been interviewed on TV.

██████████ upstairs neighbor, saw from her window, right above us. They did not compare notes.

██

Lenses: wearing contact lenses for near-sighted; no problems when wearing.

No meds/drugs, alcohol that day

Couple of officers looked out window, but did not know if they took photos.

2 non-working cameras at ██████████.

Possible that Gongora leaning against wall further to north? "I remember him being really, really close to that door. (1:20:00) Possibly right next to pilaster, but certainly no further north than that."

██████████ has been around people firing shotguns, fired guns in youth.

Officer # 2 seemed to be firing 5 – 6 shots. Doesn't know if fired all the shots.

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4/19/16 JW

Candace Carpenter sent me an email stating that [REDACTED], who she took a complaint from concerning the destruction of the homeless encampment at 18th and Shotwell, wants to file an OCC complaint regarding the shooting of Luis Gongora.

4/19/16 JW

I sent a Non-Routine Request to SFPD Legal for "All documents and materials in the SFPD Homicide Detail and Internal Affairs Division files regarding SFPD No [REDACTED], an officer-involved shooting on April 7, 2016 on Shotwell Street."

4/19/16 JW

An article by Laura Waxman, "Eighth Witness Says Homeless Man Did Not Lunge at Officers in Police Shooting," posted to the Mission Local website on 4/15/16, quotes [REDACTED], who "lives in an encampment on 19th Street, around the corner from the Shotwell Street encampment where Gongora lived." According to the article, [REDACTED] was

"at least" twenty feet away from the scene of the shooting when he witnessed the fatal confrontation a week prior." [REDACTED] "saw everything, and I know the city worker who called the police," said [REDACTED]. The man said that on the morning Gongora was killed, members of the Department of Public Health's Homeless Outreach Team were warning residents of the Shotwell encampment of a sweep. Police have said that the [outreach workers responded to a disturbance in the encampment that Thursday, April 7, and called 911](#) after seeing Gongora swinging his knife.

[REDACTED] said Gongora was not swinging it but was stabbing a nearby tree with it. Other residents had received warnings of a sweep of the encampment, [REDACTED] said, and Gongora may have been upset that he was being forced to leave.

I believe the [REDACTED] who is quoted in the article is the [REDACTED] who was living in a tent on the north side of 19th Street just east of Shotwell who I spoke to during the canvass on 4/13/16.

I went to 19th and Shotwell Streets and discovered that all the tents on 19th Street were gone. I walked around the block and found several tents on the east side of Harrison St. between 19th and 18th Streets. I spoke with a short W/F who I had seen during the canvass on 4/13/16. She told me that [REDACTED] was the man I'd spoken to on 4/13/16, and that he was now staying at the [REDACTED] between 16th and 17th St. with a B/F. I located at [REDACTED] in that block, at [REDACTED], but the manager did not know of a [REDACTED] staying there.

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She also told me that [REDACTED] was staying at the Mission Hotel, # 143, with [REDACTED].

I went to the Navigation Center at [REDACTED] to see whether I could contact residents of the homeless encampments on Shotwell St. [REDACTED], [REDACTED] there. I was told they could not disclose whether specific individuals were there and that I needed to contact [REDACTED]. Later that afternoon, I called and spoke with [REDACTED] and gave her the names of the 4 individuals I was interested in contacting. At her request, I sent her an email explaining why I want to contact these individuals.

I attempted to contact [REDACTED] in person at the [REDACTED] but no one was home. Since I have a phone number for [REDACTED], I opted not to leave a card and either return or contact her by phone.

I went to the city homeless shelter at [REDACTED] to see whether [REDACTED] were being housed there. I was told I needed to speak to [REDACTED]. I called [REDACTED] at [REDACTED], l.m. on v.m.

4/19/16 JW

I called [REDACTED] and then, at her request, I called back at [REDACTED]. [REDACTED] is home with a [REDACTED] and her parents are about to visit, so she is not certain whether she can schedule time for a telephone or an in-person interview this week. She will email me a link to an account of the incident that she posted on nextdoor.com, and will also email me a link to several photographs and a short video she took after the shooting. [REDACTED] email address is [REDACTED].

4/19/16 JW

I received a copy of IR [REDACTED] from SFPD Records (23 pages, including a one-page handwritten Incident Report Statement written by civilian witness [REDACTED], and a four-page Crime Scene Log.

4/20/16 JW

[REDACTED], emailed me a link to:

3 photographs:

6656 JPG: photo taken with an Iphone 5S, camera date 2016:04:07 10:12:25.553, from the west sidewalk on Shotwell St. facing southeast. It shows paramedics rendering aid to Gongora, who is lying on the sidewalk in which appears to be a perpendicular position to the curb, with his head near the right-front quarter of a white pickup truck (with a camper

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shell) that is parked at the curb. There is a large pool of blood in what appears to be the area of his head and to its immediate right, immediately south of the telephone pole.

6657 JPG: photo taken with an Iphone 5S, camera date 2016:04:07 12:50:21.511, apparently taken from [REDACTED]'s apartment window. It shows a fire engine on the scene and SFFD personnel with a hose in the area when LG fell. It shows the position of the front and back of the white pickup truck in relation to the telephone pole in front of it and the driveway behind it.

6658 JPG: photo taken with an Iphone 5S, camera date 2016:04:07 12:54:52.814, apparently taken from [REDACTED]'s apartment window. It shows two officers taking down the red and yellow crime scene tape. It also shows two vehicles parked on the west side of Shotwell St. in front of Patrick's building.

A 19-second video with sound, IMG_6655.MOV, File Date 04/07/2016 4:04:12 PM, apparently taken immediately after Gongora was shot. It shows 3 uniformed officers on the east side of Shotwell St. At the start of the video, one officer, who is holding an ERIW shotgun, is standing close to the wall of the [REDACTED] building. A second officer is standing approximately 6 feet to his north and 3 to 5 feet closer to the curb. The third officer is standing in the street 1 – 2 feet from the curb and 2 to 3 feet north of the second officer. What appears to be Gongora's leg (clad in blue) is seen pointing towards the building line, with what appears to be the foot approximately 6 to 7 feet from the building line (the sidewalk is 15 feet wide from the building line to the curb). The view of the rest of Gongora's body is blocked by the white pickup truck. Two voices are audible in the background shouting: one is a male speaking in Spanish. The other is a female who may be speaking in English. The officer with the shotguns appears to make two short broadcasts over his PIC radio. The sound of a siren is heard growing nearer.

I saved the three photos and the video to the 164-16b Recordings folder. I also saved the three photos to the 164-16 directory.

4/20/16

JW

I called [REDACTED] at [REDACTED] (l.m. on v.m.) and sent her an email at [REDACTED]. She replied and we scheduled a phone interview on 4/21/16, 11:00 a.m.

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4/21/16

JW

I interviewed **co-complainant** [REDACTED] by telephone at [REDACTED]
(recorded).

Contact information: (withhold this information from the 293 form)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] stated that she did not witness the shooting or the events leading up to it. She stated that she is complaining about the force used by Sgt. Steger and Off. Mellone, who fired 4 bean-bag (ERIW) shots and 7 bullets at Luis Gongora. She is also complaining about their actions from the time they arrived on the scene and approached Gongora, and about “their whole approach to Luis,” which [REDACTED] thinks may have violated SFPD policies or regulations. She thinks the officers escalated the situation.

[REDACTED] noted that the officers knew they were coming to deal with someone who was homeless and she assumed they had “some obligations in terms of interacting with this population.” She also thinks there is a policy that required the officers to “check in” with members of the HOT team before contacting Gongora.

[REDACTED] also stated that witness statements in the media contradicted the narrative of the incident presented by the SFPD at the 4/13/16 town hall meeting. Witnesses told reporters that Gongora was on the ground and was not a threat. Witnesses who said Gongora had a knife said he was not threatening the officers. [REDACTED] thinks the SFPD provided “a very selective” and a false narrative at the Town Hall meeting. They had not collected all the witness statements.

[REDACTED] thinks the SFPD is “once again, like in all these shooting cases, the San Francisco Police Department is actively covering up facts that would find the officers, that they acted outside the bounds of the law that allow them to use lethal force, covering up facts that would show that Gongora was not a threat and that officers acted outside the bounds of law that allow them to use weapons, or even in the way that he was approached...It looks like they are actively covering up, there’s a concern that they’re actively covering up the facts that could lead to an indicting or administrative consequences or other repercussions for the officers.”

[REDACTED] stated that she is complaining about Chief Suhr regarding his statements at the Town Hall meeting. She is also complaining about the SFPD personnel involved in the investigation who provided information to Chief Suhr.

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██████████ also stated that a news article reported that Off. Mellone transferred to the SFPD from another police department, where he was involved in a federal lawsuit for excessive use of force, “so the hiring practices of this officer also come into question.” ██████████ stated that she wants the SFPD process for hiring Off. Mellone to be one focus of her complaint.

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4/21/16

JW

I called [REDACTED], the [REDACTED] newspaper who we met during our canvass on 4/13/16, and told him I am anxious to interview witnesses who were residents of the homeless encampment. He agreed to pass on my contact information to them.

4/21/16

JW

I called Emily Rose ([REDACTED] at [REDACTED], l.m. on v.m.

I spoke to Emily Rose-Johns ([REDACTED]). Rose said she is advising at least two homeless individuals who witnessed the incident. One has told her they do not want to participate in any investigation. She will speak with the others about talking to me. I explained the OCC's mission and procedures, and forwarded Rose a link to the OCC website. She said many of the homeless individuals from Shotwell St. are very upset about being evicted in the middle of the night soon after the shooting, which they believe was harassment and possibly intended to make them less accessible for interviews. They have told Rose that an officer who was somehow involved in the Luis Gongora incident was among the officers evicting them. Rose knows the OCC has a complaint about this matter. I explained that another investigator is handling it.

4/22/16

JW

I contacted [REDACTED] (one of the homeless witnesses) by telephone at [REDACTED]. [REDACTED] stated that her attorney, Emily Rose, had advised her not to provide any statements. I told [REDACTED] that I spoke with Ms. Rose yesterday and suggested that she call Ms. Rose. [REDACTED] said she would and took my phone number.

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4/22/16

JW

I interviewed [REDACTED] by telephone at [REDACTED] (recorded).

NOTE: [REDACTED] is the woman seen in [REDACTED] nest camera video walking (and then running) northbound on Shotwell St. at the time of the shooting. She is listed as "R/W7" in the incident report, and her half-pager page handwritten Incident Report Statement is attached to the Incident Report.

SEE INTERVIEW TRANSCRIPT

4/25/16

JW

Yesterday (Sunday, 4/24/16) I read an article in El Tecolote by Amos Gregory about the shooting yesterday which stated that a memorial service for Luis Gongora was going to be held on 4/23/16. I called Amos Gregory to follow up on whether he had been in contact with any of the homeless witnesses regarding my request to interview them. He stated that he will speak to a social worker who is working with them and relay my request.

4/26/16

JW

I checked the website, justice4luis.org. It has a new section with graphics relating to witnesses to the incident (I was familiar with the names listed there), Gongora's family and background, and the various investigations concerning Gongora's death. Under "official SF GOV" it lists investigations being conducted by: Medical Examiner; District Attorney; SFPD; and OCC. The description of the OCC investigation states:

- Investigation of Citizen Complaints of police misconduct
- Recommends consequences to police commission
- Limited investigation; relies on official evidence of SF GOV

The website also lists an investigation by attorney Arnoldo Casillas, who it states was hired by Gongora's widow and has a "Private investigator (e.g. tracks witnesses, videos, officer conduct, etc,)"

I brought the description of the OCC investigation on the justice4luis.org website to Joyce's attention to see whether she wants to contact the person responsible for the website to correct their description of the OCC investigation. She asked that I do this.

Late in the afternoon, I saw an article in the SF Examiner stating that there would be rally outside Mission Station at 6:00 p.m. related to the Luis Gongora shooting. I spoke to Joyce about attending in case any of the homeless witnesses I am seeking were present. I went to the rally but

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did not see any of the witnesses who I would recognize. I spoke to several people at the rally, gave them my card and told them I am eager to speak with all of the witnesses.

4/27/16

JW

I called witness [REDACTED] to schedule a time to take photographs from his window at [REDACTED], l.m. on v.m. [REDACTED] called me back. I will meet with him at his apartment tomorrow around noon (after I do a walk-through of the scene with witness [REDACTED]).

I called Arnoldo Casillas, attorney for the family of Luis Gongora ([REDACTED]), left a message asking him to call me.

I called witness [REDACTED], and arranged to meet with her at her apartment at [REDACTED] tomorrow around 12:30 (contingent on her [REDACTED]).

4/27/16

I called and spoke to co-complainant [REDACTED] to follow up on whether she has any leads for contacting the homeless witnesses. She suggested I talk to Laura Guzman, [REDACTED]).

[REDACTED] is also responsible for the justice4luis.org website. I told her that the statement on the website that the OCC investigation is a "Limited investigation; relies on official evidence of SF GOV" is inaccurate. I explained that we receive all the evidence the SFPD has gathered but conduct a separate and independent investigation, which includes conducting our own interviews with all known witnesses. I noted that this is why I am attempting to contact and interview all of the homeless witnesses. [REDACTED] stated that this description of the OCC investigation is based on the community's perception of the OCC investigation into the shooting of Alex Nieto, which, she claimed, did not include an interview with a key witness. I explained to [REDACTED] that I was steadfast in wanting to locate and interview anyone who saw or heard anything concerning the Gongora shooting, and would appreciate her communicating that to the community

4/28/16

JW

I met with witness [REDACTED] at the 400 block of Shotwell St. and did a walk-through (audio recorded – 2 separate files) at the location. [REDACTED] showed me where she was when she made various observations.

SEE INTERVIEW TRANSCRIPTS

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4/28/16

JW

I interviewed witness [REDACTED] in person at his home at [REDACTED]. (recorded) and took photographs from the kitchen window where he observed the incident. I measured the distance from the window to the sidewalk using a steel tape measure. The distance from the ground to the window ledge (on which [REDACTED]'s Nest video camera was mounted) is 14 feet. [REDACTED]'s eye level was 32 inches above the ledge, or 16 feet 8 inches above the ground.

[REDACTED] and I did a walk-through of the shooting scene on the east sidewalk of Shotwell Street, which I audio recorded. [REDACTED] positioned himself at several locations where he saw officers and I photographed him at these locations. I also photographed him sitting against the wall of the [REDACTED] building in the spot where he saw Gongora seated when officers arrived, and in the position Gongora was in when he stood up. [REDACTED] also pointed out the location where Gongora was lying on the sidewalk after being shot.

SEE INTERVIEW TRANSCRIPTS (2 separate audio files) FOR DETAILS

4/29/16

JW

I called and spoke to Laura Guzman of the [REDACTED]. [REDACTED]. Guzman said she has been told to refer any inquiries regarding the homeless individuals who witnessed the Gongora shooting to attorney Emily Rose. I called Rose again, l.m. on v.m.

I called Emily Rose-Johns at [REDACTED]

I called and spoke to Arnolando Casillas, attorney for Luis Gongora's family. He is familiar with the OCC. He has hired a private investigator who has interviewed witnesses, but he cannot share any evidence with me yet. He received the results of an independent autopsy he had conducted on Gongora. It indicated:

All bean-bag rounds struck back (back of arm)

Gunshots: 1 fatal shot to head: L forehead area, rearward & downward trajectory

Other 5 were non-fatal: L arm; Back; Grazing wound to abdominal wall; R forearm (weird wound to R arm); L shoulder; L area of back; 2 right forearm

Luis Gongora was approximately 163 cm tall

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4/29/16 JW

I called [REDACTED] (one of the homeless witnesses) at [REDACTED] and reached a message saying the caller could not accept calls at this time.

4/29/16 JW

I ran QALL on homeless witnesses [REDACTED]. I requested [REDACTED]'s three most recent Incident Reports from Records. I requested the most recent mug shot photo and most recent Incident Report for a [REDACTED], whose description generally matches that of the individual I contacted on 19th St.

5/2/16 JW

I interviewed witness [REDACTED] in person at her home, [REDACTED] (recorded). SEE INTERVIEW TRANSCRIPT

I took a photograph inside [REDACTED] loft, located on the top floor of [REDACTED], showing the location of a green chair she was seated in when she heard an officer shouting, "Get on the ground," and the location of her kitchen window, which is approximately 15 feet from the chair. [REDACTED] observed the incident while standing at the kitchen window, which was open. I took photographs of the window and of the views of the street from the window.

When I concluded my interview with [REDACTED] in her residence, we walked outside to the street, and she showed me the location on the west side of Shotwell St. where she was standing when she took a photograph of paramedics rendering aid to Mr. Gongora (audio recorded on a separate file). We then walked to the east side of Shotwell St., and [REDACTED] pointed out specific locations, including the location where Luis Gongora was sitting on the ground when officers arrived and the location of the officer with the bean-bag shotgun when he fired the first bean-bag at Mr. Gongora. This part of the interview was also audio-recorded. I took photographs of the locations [REDACTED] identified, and marked several of the locations with chalk marks.

[REDACTED] identified NPR reporter [REDACTED] as someone who witnessed the shooting. According to [REDACTED] was walking home when she witnessed the shooting.

5/2/16 JW

I received from SFPD Legal a letter dated 4/27/16 with the Training Summary Reports for Off. Mellone, Sgt. Steger and Off. Trapsi. Off. Mellon's Training Summary Report indicates that he attended "Police Crisis Intervention II," 40 hours, 2/24/14 – 2/27/14 (Control No. 20801A).

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5/3/16 JW

Attorney Emily Rose returned my call from last week. She said she is representing homeless witnesses [REDACTED]. She is not representing [REDACTED]. Rose has not yet had spoken to [REDACTED] about my request to interview them. She said they are aware that OCC wants to interview them, but may not have a full understanding about what OCC is and what we do. She expects to be in San Francisco tomorrow or Wednesday and will meet with them then. She has not spoken with [REDACTED] since I had my phone conversation with [REDACTED] on 4/22/16. Rose said the homeless witnesses are very concerned about what they believe was their retaliatory eviction by SFPD, and would like some reassurance that OCC is vigorously investigating that issue, in addition to the Luis Gongora shooting. Rose gave me the impression that demonstrating that OCC is pursuing that investigation might help gain the cooperation of the witnesses in the Gongora shooting. I relayed this information to S. Fletcher.

5/3/16 JW

I called Lt. Waaland at SFPD Legal to check on the status of my 4/19/16 request for the Homicide and IA files, l.m. on v.m.

I ran a Google search for Laura Sydell but could not locate contact information. I ran a QALL search on [REDACTED] and located one contact, a 10/30/14 report of lost property by [REDACTED] [REDACTED]). I ordered this IR, which is not in the computer. I checked records at SF Dept. of Elections, and found a current registration for [REDACTED] - [REDACTED]. I called this number: disconnected. I also checked Assessor-Recorder records and determined that [REDACTED] owns a condominium at [REDACTED].

5/4/16 JW

I checked RMS for calls for service to [REDACTED], and found several, including one in which [REDACTED] called 911 from [REDACTED]. I called this number, l.m. on v.m. I mailed a contact letter to [REDACTED], asking her to call me.

I called the SFPD Academy, l.m. on v.m. for Capt. Yee inquiring about the "Police Crisis Intervention II," class.

5/5/16 JW

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I sent a Non-Routine Request to SFPD Legal for the "Syllabus, curriculum, names of instructors and all written materials provided to participants in the 40-hour Police Crisis Intervention II training at the SFPD Academy on 2/24/14 through 2/27/14."

5/5/16

JW

I interviewed [REDACTED] by telephone at [REDACTED] (recorded).
(Castro was a friend of Luis Gongora's who spoke at the Town Hall meeting on 4/13/16, where I gave him my card and obtained his contact information).

ROUGH INTERVIEW NOTES - SEE INTERVIEW TRANSCRIPT FOR DETAILS

[REDACTED]

Met Luis Gongora in [REDACTED] at [REDACTED]. [REDACTED] speaks fluent Spanish, moved from [REDACTED] to attend [REDACTED]. Spoke to guys in back of house at [REDACTED] in Spanish, all Mayan areas of Mexico. [REDACTED] and Gongora bonded, would go for beers after work, talked about work, soccer.

Gongora v. hospitable and honest. Someone I could trust and talk to.

Gongora – low socioeconomic status.

[REDACTED] graduated 2006.

2006-2007, [REDACTED] started working on [REDACTED], behind [REDACTED]. Gongora moved above [REDACTED] [REDACTED] went there for lunch or dinner after work.
Would hang out for 2 hours till GF picked him up.

[REDACTED] moved to [REDACTED] on 16th St.

They always would feed me. Gongora lived with his brother in that apt. 2 others from same region.

Gongora v. hard working. Sent % of income home, [REDACTED] in Mexico. Always on phone with her in evening.

Gongora was always happy regardless of his situation. Satisfied with his socioeconomic status.

[REDACTED] was "the white guy who could assist him with certain [problems, i.e. going to hospital (i.e. ruptured appendix).

Drinking buddies.

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Till at least 2012, then Gongora started hanging out with a girl, [REDACTED] d/n care for her, a tweaker, had methamphetamines. Gongora hung out with her. Gongora lost job before met her. Gongora found work at Fish Wharf, lost that job. Looked like Gongora's [REDACTED] on his floor were carrying the weight.

Lots of activity on his floor. Landlord trying to get them out. Evicted.

[REDACTED] had moved out of neighborhood, drifted apart.

Early 2012, friendship diminished, [REDACTED] hanging out with [REDACTED], Gongora with this girl more, Gongora started to drift away. [REDACTED] ran into her, said no longer together. She was trying to hook him, [REDACTED] [REDACTED].

Gongora landed on street with his bother, Gongora still with that girl. Evicted, poss not legal.

All from same town in Mexico in Yucatan.

Gongora's bothers:

[REDACTED] – janitorial.

[REDACTED] ([REDACTED])

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED].

[REDACTED] – [REDACTED] [REDACTED] [REDACTED].

[REDACTED] – [REDACTED] [REDACTED] [REDACTED].

[REDACTED] ran into Gongora's [REDACTED] er on N-Judah, said Gongora on street for about 3 years. Went to Shotwell. [REDACTED] saw Gongora 2014. [REDACTED] saw Gongora Nov. – Dec. 2015.

Last saw Gongora 2 weeks before killed. Gongora seemed comfortable with current situation. Was not upset with current circumstance. More body language & silence. Never talked about

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what drugs he was using. Thought Gongora was using drugs. [REDACTED] saw him using meth once, 1 month before he died, smoked pipe.

[REDACTED] never saw Gongora with any other woman.

[REDACTED] saw Gongora at least 3 – 4 times a month in 6 months before he died, more in Feb. March, April.

Gongora looked healthy. Not talking to self, no voices or hallucinations, no evid of mental illness. No diminished awareness.

[REDACTED] never saw Gongora drinking. Gongora liked to smoke MJ, MJ was his drug of choice.

Gongora was v. strong minded.

Per [REDACTED], night before, “a lot of whooping & hollering,” possible drinking. Gongora had smoked a joint in tent with [REDACTED] 10 minutes before shot (Per [REDACTED] in [REDACTED]).

Gongora was never aggressive.

[REDACTED] not aware of Gongora being depressed.

Knife? Saw Gongora with a knife, sitting in his tent. Never saw him wave it around. D/N play with it. Would not go at a cop with a knife, would never have done what PO said he was doing.

ENGLISH:

No good. [REDACTED] never spoke to Gongora in English, never heard him talk English. Gongora understood very little English. (28:00)

WITNESSES:

[REDACTED]
Other neighbor across the street.

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5/6/16 JW

I attempted to contact [REDACTED], l.m. on v.m. Sydell returned my call and we arranged for me to interview her at her home this afternoon.

I interviewed **witness** [REDACTED] in person at her home, [REDACTED]. (recorded).

ROUGH SUMMARY (audio recording not reviewed). SEE INTERVIEW TRANSCRIPT FOR DETAILS

[REDACTED], a radio journalist who regularly reports for [REDACTED], audio recorded our interview.

[REDACTED] stated that on the morning of 4/7/16, she left her home and was walking to KQED at [REDACTED]. She walked north on Shotwell St. and as she approached 19th Street, saw police vehicles stopped on Shotwell St. north of 19th St. She did not recall seeing specific officers, nor did she recall seeing Luis Gongora. [REDACTED], who was "in a hurry," turned right (east) onto 19th Street. She is uncertain which side (north or south) of 19th she initially turned onto, but crossed to the north side at the corner, or soon afterwards.

[REDACTED] walked east from Shotwell approximately one-quarter of a block when she heard gunshots fired in rapid succession.

[REDACTED] emailed me three photographs she took with her cell phone.

5/9/16 JW

I checked the justice4luis.org website. It contained a new posting dated 5/7/16 stating that at 10:00 a.m. there will be a mourning ceremony for Luis Gongora with his family present at the shooting scene. It also referred to "an upcoming event on May 22nd in the Mission Dolores planned by the family." I called co-comp [REDACTED], l.m. on v.m.

5/10/16 JW

I spoke with co-comp [REDACTED] by telephone (not recorded) regarding my interest in interviewing witnesses who were living in encampments on and near Shotwell St. and whether it would be appropriate for me to attend the 5/22/16 event (at which some of these witnesses might be present). She stated that the homeless witnesses were traumatized by the shooting, and she did not think they have given statements to any of the investigators (SFPD, DA's office, attorney for Gongora's family). She said that the [REDACTED] gave birth yesterday. I told her I was sensitive to the emotional issues involved, but as in all cases, want to interview witnesses in a timely manner. I also asked her to make it clear to any witnesses she has contact

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with (and to community members) that the OCC investigation is broader in scope than the SFPD Homicide or the DA's investigation: it examines whether officers violated SFPD regulations and procedures and evaluates whether policies, regulations or training should be changed; it is also confidential since it is considered part of an officer's personnel record.

Capt. Yee from the SFPD Academy called in reference to my inquiry last week regarding the Police Crisis Intervention II training at the SFPD Academy on 2/24/14 through 2/27/14. He stated that he has determined that this training differs from the CIT training currently given. He confirmed that Off. Mellone attended the 2/24/14 through 2/27/14 training. He does not know what the "II" suffix after the title of this training indicates.

5/10/16

JW

I received a letter from SFPD Legal dated 5/10/16 in response to my 4/19/16 request for

All documents and materials in the SFPD Homicide Detail and Internal Affairs Division files regarding SFPD No. [REDACTED] an officer-involved shooting on April 7, 2016 on Shotwell Street.

Enclosed were 20 CDs and hard copies of documents including Incident Report No. 160286132, Inspectors Chronological of Investigation, Homicide investigators' interview notes, etc. After doing a quick review of the hard copy documents, I noted that there were redactions and at least one missing document, as follows:

In the Incident Report provided by SFPD Legal in response to my request for the complete Homicide and IAD files, witnesses' phone numbers, dates of birth, email addresses and driver's license numbers were redacted. In the Incident Report Statements attached to the Incident Report, the phone numbers, dates of birth and email addresses for witnesses interviewed at the scene by officers were redacted. It did not include the one-page handwritten Incident Report Statement by [REDACTED] that was attached to the copy of the Incident Report I received from SFPD Records.

In the copies of the handwritten notes of witness interviews conducted by the Homicide Detail investigators, witness' phone numbers and dates of birth had been redacted.

The copy of the Incident Report I received from the Homicide Detail had no redactions, but did not include the one-page handwritten Incident Report Statement by [REDACTED] [REDACTED] The copy of the Incident Report I received from SFPD Records had the witnesses' driver's license numbers redacted.

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5/12/16 JW

I sent S. Fletcher an email regarding the redactions.

5/19/16 JW

I received a letter from SFPD Legal dated 5/18/16 in response to my 5/5/16 request for "Syllabus, curriculum, names of instructors and all written materials provided to participants in the 40-hour Police Crisis Intervention II training at the SFPD Academy on 2/24/14 through 2/27/14" with the requested materials, which I have not yet reviewed.

5/23/16 JW

I received from SFPD Legal a letter dated 5/18/16 sent in response to my 5/12/16 email to S. Fletcher, forwarded to Legal by E. Baltazar. Enclosed were copies of Incident Report No. 160286132 and Investigative Field Notes. While witness contact information was un-redacted, all witness dates of birth were redacted, which is contrary to practice. I spoke to Erick about this.

5/25/16 JW

I received an email from S. Fletcher inquiring, on behalf of Erick, whether I had received the Return to Duty PowerPoint from SFPD. I checked all of the CDs received from SFPD Legal. The PowerPoint was not included, despite the fact that I requested "All documents and materials in the SFPD Homicide Detail and Internal Affairs Division files,"

5/26/16 JW

At Erick's request, I sent a Non-Routine Request to SFPD Legal for the Return to Duty PowerPoint for the officer-involved shooting on April 7, 2016 on Shotwell Street (SFPD No. 160286132)

5/26/16 JW

I sent the following email to E. Baltazar, S. Fletcher and J. Hicks regarding the redacted documents I received this week from SFPD Legal:

Erick,

As I mentioned to you earlier this week, I received from SFPD Legal a copy of Incident Report No. [REDACTED] and Investigative Field Notes in the Luis Gongora officer-

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involved shooting. The previous set of these documents provided by SFPD Legal had witness contact information redacted, and this new set was sent in response to my May 12, 2016 email to you and Sherry regarding these redactions.

The documents I received this week have witness dates of birth redacted. The OCC is entitled to receive, and the Department is required to provide us with documents that are un-redacted, except in those few exceptions required by law (i.e. names of juveniles). Adult witness dates of birth do not fall within those exception. In all other Incident Reports I have received, and in all other OIS cases I have investigated, dates of birth have not been redacted. I suspect that Lt. Waaland, the new OIC of Risk Management - Legal, may be unaware of this.

Could you please ask Legal to provide me with a set of these documents without redactions. Thank you.

6/9/16

JW

I sent a Non-Routine Request to SFPD Legal for: Transcripts of interviews conducted by SFPD Homicide and/or Internal affairs in connection with SFPD [REDACTED], an officer-involved shooting on April 7, 2016 on Shotwell Street.

7/14/16

JW

I received by email from Louis Barberini at SFPD the SST (ShotSpotter) Detailed Forensic Report for CAD # 1237, April 7, 2016, Flex ID #30436, along with the .WAV files of the ShotSpotter recordings.

10/21/16

JW

I received the following email from co-complainant [REDACTED]:

Dear Inspector Wechter,

Where in the OCC/Police Commission process is my complaint?

It would help me to understand the actual stages of the process, if you could include that information in your response.

Thank you,

[REDACTED]

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10/23/16 JW

I checked the OCC database and found that [REDACTED] is not listed as a co-complainant in this case. I copied her 293 form and narrative and her address (which she wanted withheld from the 293 form) to the Admin Team.

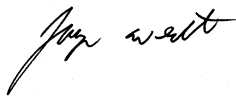
I called [REDACTED], l.m. on v.m.

2/17/17 JW

I sent the following email to Erick Baltazar:

Dear Erick,

Could please provide me with all notes, memos, diagrams, or other written materials that you (or any other OCC personnel who accompanied you) prepared in connection with your roll-out to the officer-involved shooting of Luis Gongora on Shotwell Street on 4/7/16 (DPA/OCC Case No. 164-16). Thank you.



2/21/17 JW

In response to my email of 2/17/17, Erick Baltazar forwarded me the following email:

From: Maunder, Sara (OCC)
Sent: Thursday, April 7, 2016 2:46 PM
To: Hicks, Joyce (OCC)
Cc: Fraenkel, Ines (OCC); Fortes, R. Manuel (OCC); Marion, Samara (OCC); Salazar, Donna (OCC); McMahon, Edward; Fletcher, Sherry (OCC); Ball, Steve (OCC); Baltazar, Erick (OCC)
Subject: 4/7/16 OIS 18th and Shotwell

Dear Director Hicks,

This morning at about 10:20 a.m., Deputy Director Baltazar received a call from Lieutenant Waaland of SFPD Legal advising him of an officer-involved shooting that had just occurred at 18th and Shotwell Streets involving a man with a knife. DD Baltazar asked me to pull the CAD and to respond with him to the OIS scene. We arrived at the scene around 11:20 a.m. and were met by Lieutenant Waayland. Shortly thereafter, Lieutenant Yu from Homicide briefed me, DD Baltazar, Lieutenant Waayland, and Sergeants Crudo and Franco of IAD. Lieutenant Yu provided us with the following preliminary information: The Homeless Outreach Team (HOT) called for assistance in controlling a man with a large knife (chef's knife with a 10-12 inch blade). The responding officers fired multiple rounds of "Super Sock Bean Bags" from

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an Extended Range Impact Weapon (ERIW). The man allegedly refused to drop the knife and charged at the officers, prompting officers to discharge their firearms. According to Lieutenant Yu, the man "is not doing well." Lieutenant Yu informed us that there were numerous encampments nearby and several people who witnessed or heard the commotion, including one witness from the man's own encampment.

Deputy Director Baltazar and I observed at least four empty ERIW bean bags and casings. We noticed about four or five bullet casings. In addition, we saw the knife near shooting location. There was a large pool of blood at the shooting location. We noticed multiple video cameras mounted on buildings on the east side of Shotwell Street. Lieutenant Yu stated officers had already obtained the video footage.

Note that according to a recent online news article, the man is now deceased.

Best,

Sara Maunder
Office of Citizen Complaints
25 Van Ness Avenue, Suite 700
San Francisco, CA 94102

2/27/17

JW

I sent the following interviews to Wordjet for transcription:

██████████, 4/18/16 interview: 1 hour 24 minutes (phone interview)

██████████, 4/28/16 interview: 15 minutes

██████████, 4/28/16 interview -2: 14 minutes

██████████ 4/22/16 interview: 1 hour 14 minutes (phone interview)

██████████, 4/28/16 interview: 24 minutes

██████████, 4/28/16 interview -2: 15 minutes

██████████ 5/2/16 interview: 1 hour 34 minutes

██████████, 5/2/16 interview (walkthrough): 7 minutes

██████████, 5/5/16 interview: 37 minutes (phone interview)

██████████ 5/6/16 interview: 51 minutes

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3/17/17

JW

My recommendations for preliminary tasks for the investigator taking over this investigation:

Update the Allegation Continuation Form naming the officers who discharged their firearms.

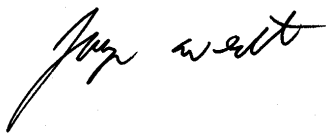
Request all Internal Affairs material from the date SFPD last provided us with documents, for all documents and materials generated since that date.

Print out SFPD interview transcripts when they are received from Wordjet.

Seek to determine whether any of the fired bullets can be matched to a specific officer's firearm.

Have the Nest camera video sent to a forensic video expert who can place a time code on it and enable frame-by-frame advance. Create a timeline of the event.

Create a matrix charting the accounts of all witnesses who have been interviewed by SFPD or DPA, regarding significant elements of the encounter.

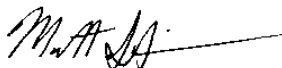


07/05/17: Case reassigned to Inv. Stonecipher.



07/05/2017

Case files received.



07/10/2017: Status meeting scheduled for July 20th.



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07/12/2017

Printed off the mult cards for the officers that discharged their firearms for DPA Attorney John Alden.

After reviewing the case file, the following officers discharged their firearms:

**Officer Michael Mellone #4249
Sergeant Nathaniel Steger #2252**

Drafted updated ACF Forms. Forms submitted to admin.

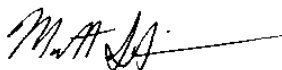
Allegations:

Officer Michael Mellone #4249: Unnecessary Force - The officer used unnecessary force

- The officer discharged his firearm fatally wounding the individual.

Sergeant Nathaniel Steger #2252: Unnecessary Force - The officer used unnecessary force.

- The officer discharged his firearm fatally wounding the individual.



07/19/2017 Attorney Fraenkel has been assigned to this case. Please include her in the next status meeting.



07/20/2017

Met with Senior Inv. Maunder to discuss plans for this case. The following tasks and potential deadlines are as follows:

- Construct a timeline of the incident and include screen grabs from the Nest camera video

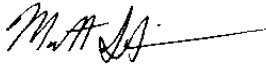
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- Order the return of duty reports for the officers that discharged their firearms (complete by end of August)
- Overlay the CAD audio with the nest camera footage
- Schedule a review of the homicide file for this incident (complete by the end of August)
- Review witness transcripts
- Draft interview questions (complete by August 23rd) have DPA Attorney Fraenkel review questions prior to interviews
 - o Potential interview questions: ask the witness officer who his cover was, were there pedestrians around.
- Schedule Officer interviews for the end of September
- Schedule case close for November 1st.

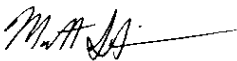


07/24/2017

Faxed a non-routine request to SFPD Legal for the return to duty reports for the officers that discharged their firearms.

Emailed Senior Inv. Sara Maunder regarding S Drive space issues with Jayson's digital files and needing access to Jayson's P Drive recordings as well.

Additional review of the case file shows that the homicide file was provided back on April 16, 2016. Summation of the homicide file to follow.



07/25/2017

Began review of homicide file. Highlighted details below:

- A memo detailing a conversation between Medical Examiner Jennifer Park and Sergeant Gary Watts states that Dr. Park informed Sergeant Watts that Luis Gongora was shot six times. Dr. Park states that one of the wounds was to the upper left forehead with the remainder being to the arms, upper chest, and upper back.

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M.A. JJ.

07/26/2017

[Homicide file] An interview synopsis drafted by Sergeant Gary Watts details the following regarding the officers that were first on scene/discharged their firearms:

- Officer Esteban Perez #4183 responded to a call with a person with a knife. When he arrived, he saw the subject sitting up against a wall/garage door. Officer Perez heard Officer Mellone give the verbal commands "get on the ground". Officer Perez stated that he saw the subject holding a knife in his right hand. Officer Perez then gave commands to the subject in Spanish. The subject was hit by ERIW rounds, after being hit, the subject got up and ran towards Steger with a knife still in his hand. The subject then fell to the ground [investigator note - assuming this is after the subject was shot] and Officer Perez kicked the knife away from his hand.
- Officer Mike Mellone #4249 was dispatched to a call of a person casing the area. He heard over the air that the person had a knife. When Officer Mellone arrived on scene, he saw an unknown person waving their arms in the air pointing at the subject. Officer Mellone saw the person matching the description holding a large knife. Officer Mellone got out his ERIW and gave commands to the subject. The subject was acting erratic. The subject initially complied with commands and put the knife down on the ground but suddenly picked the knife back up again. Officer Mellone then fired ERIW rounds at the subject and struck him four times on the right arm. The subject got up and ran towards Sergeant Steger. Officer Mellone then transitioned to his handgun and fired four times at the subject. The subject then fell to the ground still holding the knife.

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Officer Mellone then radioed in for an ambulance.

- Sergeant Nate Steger #2252 was dispatched to a call of a person with a knife. Sergeant Steger drove northbound on Shotwell street but was flagged down by a HOT team member and directed the other way. He followed Officer Mellone southbound on Shotwell. Sergeant Steger said that when he pulled up to the 400 block he saw Officer Mellone had his ERIW out and the subject was sitting on the sidewalk holding a knife in his right hand. Sergeant Steger stated that he heard Officer Mellone state "Lay on the ground". Sergeant Steger stated that subject looked at the officers but had no reaction on his face. Sergeant Steger stated that the subject dropped the knife but then picked it back up. Sergeant Steger stated that Officer Mellone then fired the ERIW. Sergeant Steger stated that the subject got up, began to go one way, then suddenly ran at Steger. Sergeant Steger, fearing for his life, opened fire and the subject fell to the ground. Sergeant Steger then stood on the subjects wrist and kicked the knife clear.

It should be noted that Officer Perez and Sergeant Steger both state that they kicked the knife away from the subject's hand. Did Officer Perez kick it further away from the subject after Sergeant Steger did? Need further clarification.

MAJ

07/27/2017

[Homicide File] Continued review of the homicide file. The following witness were identified per the chronological of the investigation and the officer's field notes. More in-depth summaries of their interviews to follow:

██████████. apartment was across the street from the incident. Provided the nest cam footage - described the subject as agitated during the incident.

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██████████ - stated she only heard the commands the officer was giving the subject.

██████████ - Potentially the bystander on the sidewalk? - interview summary to follow

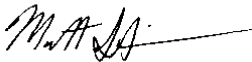
██████████ - ██████████ - stated that she saw the subject run at the officer with the knife.

██████████ (██████████) - interview summary to follow

██████████ (██████████) - interview summary to follow

██████████ - homeless woman living in the tent encampment on shotwell - interview summary to follow

Need to follow-up with Senior Inv. Sara Maunder regarding Inv. Wechter's digital files.



07/27/2017

Scheduled a status meeting with Attorney Fraenkel for August 29th at 11:00 a.m. Requested technical support to access Inv. Wechter's files.



07/31/2017

Sent email to Stephanie at Wordjet to obtain interview transcripts.

Reviewed SFPD homicide audio interview

Summary of ██████████ interview

On the day of the shooting, ██████████ was walking home from the gym. She was on the side of the street closest to the fire station side. As she was coming up the street, she heard someone shouting at another person, "drop it". ██████████ stated that she crossed the street and saw a homeless person sitting up against the ██████████ building and he was holding something. ██████████ couldn't

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tell what it was that he was holding. She said that it, "kinda looked like garbage". [REDACTED] said that she saw one officer holding what it looked like a pellet gun/non-lethal rifle. [REDACTED] said this officer was pointing the rifle at the homeless man telling him to drop what was in his hands. [REDACTED] stated that the homeless man turned away from the officers (still seated). [REDACTED] said the officer with the "pellet gun" then shot "pellets" at him. [REDACTED] said that the man moved in a way that looked like he was trying to get away from the "pellets". As the homeless man was getting up, the officer with the non-lethal rifle switched over to his handgun and shot him.

[REDACTED] stated that she passed by the homeless man quite a bit and that he never seemed like a threat. [REDACTED] said that she did not see him get to his feet. [REDACTED] described the incident as, "really fast" and that the shooting officer was within 6 feet of the homeless man.

M.A.J.

08/01/2017

Reviewed SFPD audio recording

Summary of interview with [REDACTED]

[REDACTED] stated that she knew Luis Gongora for over a year. [REDACTED] said that Luis was a nice guy that played soccer by himself. [REDACTED] said that she saw a police officer pull up in a four door SUV and the officer pulled his rifle on her. [REDACTED] said that the officer asked her where the knife was. She informed him that she did not have a knife. [REDACTED] said that the officer looked toward his left and saw Luis and pointed his bean bag rifle at him. [REDACTED] said that the Officer gave Luis commands to lay on the ground. [REDACTED] said that Luis was sitting down on the ground while he was given the commands. [REDACTED] said that the Officer with the bean bag rifle began approaching Luis and Luis initially put his hands up but then picked up a knife that was laying next to him but then put it back on the ground as if to say, "this is nothing". After Luis did this, [REDACTED] said the officer began firing his bean bag rifle. [REDACTED] said that Luis was hit two or three times. [REDACTED] said that by the third shot of the bean bag rifle, Luis got up and started to run. [REDACTED] said that the other officer then fired his handgun at Luis.

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██████████ said that Luis did not speak English. ██████████ said that when she spoke to Luis, he did not understand her. ██████████ said that when he ran away, it was to get away from the bean bag rounds. ██████████ said that she did not feel he was running towards the officers to attack them. ██████████ said that when Luis ran, he ran towards the street. ██████████ stated that when Luis got up to run, the knife was not in his hand. ██████████ stated that after the shooting, she walked down the street. ██████████ said that she did not see an officer pick up the knife or move it.

██████████ stated that Luis used marijuana and methamphetamine. ██████████ did not know if Luis used methamphetamine on the day of the shooting. ██████████ described his mental health as "normal". ██████████ said he, "had his days" but that was more a result of living on the streets everyday. ██████████ said otherwise his mental health was totally normal.

M.A. [Signature]

08/02/2017

Transcripts received from Wordjet. The following interviews were transcribed:

██████████
██████████
██████████
██████████
██████████

Last request for Homicide and IAD documents was on April 7th, 2016. Faxed a non-routine request to SFPD Legal for all homicide and IAD documents from April 8th, 2016 to present.

M.A. [Signature]

08/09/2017

Reviewed SFPD interview recordings.

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Summary of interview with [REDACTED]

[REDACTED] is an employee with [REDACTED] and has been working with the organization for 26 years. On the day of the shooting, [REDACTED] was at work and stated that she heard "put it down!". [REDACTED] looked out her window and saw an officer holding a "reddish-orangish colored shotgun". [REDACTED] said that she saw the officer fire the gun two or three times. [REDACTED] said that she then heard another officer yelling, "put it down!" [REDACTED] said that she then saw the homeless man running towards the officers with a knife in his left hand. [REDACTED] said that the officer with the handgun then shot the homeless man two or three times. The homeless man then fell to the ground.

[REDACTED] stated that her office was on the second floor and that her desk was next to a window. [REDACTED] said she was standing up looking out of the window. [REDACTED] said that after the homeless man was shot, he fell to the ground. She could not recall if he was still holding the knife at that point. [REDACTED] said the homeless man had the knife raised and was advancing towards the officers. [REDACTED] said the homeless man was five feet away from the officer with the hand gun before he ran at the officer. [REDACTED] said the officers were stationary when they fired their guns. [REDACTED] said that she did not see the officer with the shotgun transition to his pistol. [REDACTED] said that she recognized the homeless man that was shot. [REDACTED] said that the homeless man is near their building, 3 to 4 times a week, playing soccer. [REDACTED] said she's never felt threatened by him. [REDACTED] did not know if the homeless man had mental health or substance abuse issues.

Summary of interview with [REDACTED]

[REDACTED] is an employee at [REDACTED] and has been working with the company for 37 years. [REDACTED] was working on the second floor of the [REDACTED] building on the day of the shooting. [REDACTED] said he heard someone say, "get on the ground" or "lay down on the ground". [REDACTED] said that he initially got up to see what was going on then sat back down in his chair again. [REDACTED] said that he heard these commands a couple of times and then heard what he described as "light shots". When [REDACTED] heard, the "light shots", he stood up again and looked out the window. [REDACTED] said that he saw the homeless man get up, he was sitting up against the wall initially, and that he went towards the officer. [REDACTED] said that the homeless man had what looked like a knife in his hand. [REDACTED] said that he was not

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sure what it was. After that, [REDACTED] said that's when he heard "the real shots".

[REDACTED] described the homeless mans movements towards the officers as a "stumble". [REDACTED] said that it was not a slow movement. [REDACTED] said that the homeless man was about 12 feet away from the officer by the time the final shots were fired at him.

Summary of interview with [REDACTED]

[REDACTED] is an employee with [REDACTED] and has been working for the company for 31 years. [REDACTED] was working at the [REDACTED] building on the day of the shooting. [REDACTED] said that she was working at her desk and heard a person say "don't move" or "put it down". [REDACTED] said she is short and therefore could not see a man that was sitting up against the wall of the [REDACTED] building. She could not recall what exactly was said. [REDACTED] said that she got up and saw two police officers. One was holding an orange long gun. [REDACTED] did not know what the other officer was holding. [REDACTED] said one of the officers was yelling, "don't move". [REDACTED] said nothing was happening at the point so she sat back down at her desk. [REDACTED] said that more was being said so she went back to the window. [REDACTED] said there was some movement and then heard some shots. [REDACTED] said she immediately turned around when she heard the shots because she did not want to see what was happening. [REDACTED] said that she turned back around and looked out the window and saw a guy holding a knife. [REDACTED] said that he was holding the knife up. [REDACTED] said that the homeless man ran towards a pole that was on the street. [REDACTED] said he kept running at one point and it seemed like the bullets didn't effect him. [REDACTED] said the man eventually collapsed by the sidewalk.

[REDACTED] further clarified that the knife was being held in a striking position. [REDACTED] said the whole situation was fast and did not know exactly how it lasted. [REDACTED] also said that the homeless man's pace when he went towards the officers in between a walk and run.

M.A. [Signature]

08/10/2017

Summary of interview with [REDACTED] [woman carrying backpack in nest cam footage]

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On the day of the shooting, [REDACTED] was walking on Shotwell street towards a [REDACTED] that is located between [REDACTED] and [REDACTED] street. [REDACTED] stated that she observed a man sitting up against a wall. [REDACTED] said that he was talking and waving his hands around. She said that she couldn't understand whether he was speaking Spanish or English. [REDACTED] said that she then noticed a police officer who was giving the man commands, "don't move" or "stay on the ground". [REDACTED] said that the officer giving the commands was holding a orange and black shotgun and that it was pointed at the man who was sitting on the ground. [REDACTED] said that she was on the opposite sidewalk of where the officers were and that there were cars between them that were either driving by or parked on the street. [REDACTED] said her view was blocked by a parked car but she then heard the shotgun being fired.

[REDACTED] stated that the shooting sounds changed. [REDACTED] stated that these sounds sounded "crisper" and she thinks that was when live ammunition was being fired. When she heard those shots, [REDACTED] immediately ran for cover. [REDACTED] stated that after the shots stopped, she went back to the location and that was when she saw a homeless man laying in a pool of blood.

[REDACTED] said that the homeless man was initially sitting up against the wall with one of his legs bent. She stated that she also saw that he had something in his left hand. She said that he was waving the object in a gentle manner. [REDACTED] stated that he didn't look aggressive at the time. He looked relaxed. [REDACTED] could not recall if the homeless man stood up after being shot by the bean bag rounds.

[REDACTED] stated that when she first noticed the homeless man, there was one parked car blocking her view. [REDACTED] stated that the homeless man was sitting next to the garage doors of the [REDACTED] building (on his left - very close, only a few feet) and that a telephone pole was to his right. [REDACTED] stated that the homeless man was a few feet away from the telephone pole. [REDACTED] stated that the officer with the shotgun was maybe two to three car lengths away from the homeless man and was stationary when he was aiming it at him. [REDACTED] stated that the closest she saw the officer come to him was somewhere between 7 to 10 meters.

[REDACTED] stated that she did not see the other officer. She was mainly focused on the one holding the shotgun. [REDACTED] also

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stated that his body, at the end of the incident, was lying facedown towards the edge of the sidewalk near a parked car. His head was pointed towards the street. [REDACTED] also stated that she did not recall hearing any one speaking in Spanish when interacting with the homeless man.

M.A.S.

08/11/2017

Received phone call from Lieutenant Waaland over at SFPD Legal regarding our recent homicide/IAD file request. Lietenant Waaland asked to get a list of what we received so far to cross reference with what they have sent us so far. She also asked that a separate request be sent over for the IAD documents.

M.A.S.

08/14/2017

Reviewed homicide file. Drafted list of documents/files already received and faxed it over to Lieutenant Waaland's attention over at SFPD Legal.

Faxed a separate non-routine request for the IAD file to SFPD Legal as well.

M.A.S.

08/17/2017

Reviewed interview transcripts - interview conducted by DPA Inv. Wechter

Summary of interview with [REDACTED]

[REDACTED] resides at [REDACTED] on the [REDACTED] floor. On the day of the shooting, [REDACTED] said that he was in the kitchen working on his laptop when he heard three cars drive up. [REDACTED] said he stood up and saw three San Francisco Police

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cars right outside his window. [REDACTED] saw two officer exit their vehicles and one appeared to have a pump shotgun with an orange plastic nozzle. [REDACTED] said that the officer with the shotgun began walking toward Luis with it pointed at him and began issuing him commands to get on the ground. [REDACTED] said the other officer was moving towards Luis as well. [REDACTED] said the officers were moving in tandem and were probably about 15 to 20 feet apart.

[REDACTED] stated that as they approached Luis, the officer with the shotgun began firing bean bag rounds at him. [REDACTED] said he was hit three to four times. Luis was sitting up against the wall of the [REDACTED] building. [REDACTED] said that when the officer fired the bean bag rounds, Luis remained seated but turned his back to him to let the rounds hit him in the back. When the officer stopped shooting the bean bag rounds, Robert said that Luis jumped to his feet and began yelling something inaudible at the officers. [REDACTED] said he was gesturing as if to say, "why are you shooting me?" or "what's going on?" [REDACTED] said Luis seemed to be confused.

[REDACTED] said that one of the officers shouted to Luis, "drop it. put it down". [REDACTED] said that the other officer that exited the passenger side of one of the police vehicles began shooting Luis. [REDACTED] said that Luis fell forward after being shot. [REDACTED] said that the other officer holding the shotgun may have pulled his handgun and fired as well but he was not sure.

[REDACTED] said where Luis was sitting at the time was next to a pilaster that was right next to the garage door. [REDACTED] said that Luis was sitting with his knees up to his chest, with his hands resting on his knees. [REDACTED] said that he saw something in Luis' left hand. It was black and about the size of a large knife or remote. [REDACTED] said that it did not look like it was a knife at the time. [REDACTED] said that the officer with the shotgun yelled "get on the ground" at least three or four times before shooting the shotgun. [REDACTED] estimated that the officer with the shotgun was about two or three feet away from the [REDACTED] building when he was advancing toward Luis. [REDACTED] said that when the officer with the shotgun stopped, he was about 10 to 15 away from Luis. [REDACTED] said that there was a white pick-up that was parked near the driveway of the [REDACTED] building.

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█████ stated that the other officer (the one without the shotgun) was to the right of the officer with the shotgun (about 10 to 15 feet away). █████ said that when Luis jumped up, this

officer began shouting commands "drop it" and "put it down" and then immediately began shooting Luis. █████ **stated that when the officers started shooting, they began moving back and to their left.** █████ stated that Luis did not make other movements prior to getting shot other gesturing with his arms. █████ stated that when Luis' body fell after being shot, it ended up being less than two feet near a telephone pole. █████ said Luis' head was facing north towards 18th street.

█████ said that when Luis fell, he did see that he still had an object in his hand. █████ said that he still could not tell what was in hand as his view was being blocked by a truck.

█████ **stated that the distance from where Luis was sitting to where his body ended up was maybe 8 to 10 feet.** █████ **stated that he was unsure how his body covered that distance.** █████ stated that he did not see Luis move towards the officers.

█████ stated that the officers were 12 to 15 feet away from Luis before they began shooting. █████ stated that Luis was seated to the left of the garage door [if you're looking directly at it]. █████ stated that there was a third officer on scene but he was further back and did not draw his weapon. █████ stated that the officer that exited out of the passenger side of the police car was the first one to fire lethal shots. █████ stated that as they fired, both officers moved backwards and to the left. █████ stated that the officer that exited the passenger side of the police car moved two to three feet back and the officer that initially had the shotgun moved four to five feet backwards after firing. █████ stated that they were adapting to Luis' body falling forward. █████ stated that his upstairs neighbor, █████, witnessed the event was well from her unit window. █████ stated that he is near-sighted but was wearing his corrective lenses that day.

M.A. J.

08/21/2017

Reviewed interview transcripts - interview conducted by DPA Inv. Wechter

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Summary of interview with [REDACTED]

On the day of the shooting, [REDACTED] stated that she left her house and was on her way to work. The house was not far away from where the incident happened. [REDACTED] stated that when she turned the corner to 19th and Shotwell, she saw police cars. She did not think anything of it initially since there was a homeless encampment nearby. [REDACTED] stated that she then heard several shots that sounded like firecrackers. [REDACTED] stated that as she got closer to the area, she saw a homeless man laying on the ground. [REDACTED] said that she spoke to a woman on the street who was with a homeless outreach team. She asked the woman what happened and the woman informed her that the police shot a man who had a knife. [REDACTED] stated that she did see a large kitchen knife on the ground. [REDACTED] stated that she did not see the incident.

Began drafting officer interview questions

M.A.S.

08/22/2017

Continued drafting officer interview questions.

08/24/2017

Continued drafting officer interview questions.

08/25/2017

Completed officer interview questions. Copies forwarded to DPA attorney Ines Fraenkel for review for meeting next Tuesday August 29, 2017

M.A.S.

08/28/2017

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Reviewed interview transcripts - interview conducted by DPA Inv. Wechter

Summary of interview with [REDACTED]

[REDACTED] stated that he met Luis back in 2003 when he was working at [REDACTED] at [REDACTED]. [REDACTED] stated that he spoke Spanish fluently so he bonded with Luis instantly. [REDACTED] stated they spent a lot of time talking about soccer, school, and home. [REDACTED] stated that he was honest and hospitable. [REDACTED] stated that he graduated college in [REDACTED] and started working on [REDACTED] on [REDACTED]. [REDACTED] said that Luis lived nearby and that he would go over to his house for meals. [REDACTED] stated that Luis was a hard worker and, at the time, was sending the majority of his money back to Mexico as he had a [REDACTED] [REDACTED] still back there.

[REDACTED] said that in 2012, Luis lost his job and was hanging out with a girl that was regularly using methamphetamine. Additionally, [REDACTED] said that Luis and his brother were forced out of their apartment which ended up putting them on the street. [REDACTED] said that he would then see him a few times over the years and the last time he saw him was a couple of weeks before the shooting. [REDACTED] said that Luis definitely seemed different the last time he saw him and attributed it to living on the streets for the last few years. [REDACTED] said that Luis was using drugs up until the time he died. [REDACTED] stated that a month before he died he saw Luis smoking an unknown substance out of a pipe.

[REDACTED] said that it didn't seem like Luis was losing his mind. [REDACTED] said that [REDACTED] so he would've been aware if that was starting to effect Luis. [REDACTED] stated that Luis did not have difficulty understanding what was going on around him. [REDACTED] said that Luis never spoke English and never heard Luis speak English in the time that he knew him. [REDACTED] said that Luis was never aggressive.

- Interview conducted by DPA Inv. Wechter

Summary of interview with [REDACTED]

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█████ stated that on the day of the incident she was sitting in a chair in her apartment on Shotwell street. █████ said that she heard a voice say, "get on the ground". █████ said when she heard this, she immediately jumped up and walked towards the window. █████ said that she saw two officers on the street. █████ said one of the officers said "get on the ground" again. █████ said that one of the officers had a longer rifle gun and the other had his hand on his hip and they were moving parallel to shotwell street. █████ said that the officer was pointing the rifle at Luis Gongora. █████ described Luis as one of the more harmless homeless people that lived on their street.

█████ said that Luis was visibly shaking. █████ said that Luis was sitting up against the █████ door with his knees to his chest and his head down. █████ said the officer with the rifle then fired two bean bag rounds at Luis. When the second bean bag fired, █████ said that the officer with his hand on his hip drew his handgun immediately and began shooting almost simultaneously. █████ said that he stumbled forward after being shot and fell on the ground near the stop sign. █████ said that she did see Luis drop the knife but stated he was not being confrontational with it.

█████ stated, "it was clear that he [Gongora] had mental health issues". █████ stated that after the bean bag rounds were fired the officer yelled "get on the ground" for the second time. █████ stated that the whole time both officers were inching towards Mr. Gongora. █████ stated that after the officer made this comment, Mr. Gongora began to rise and was then shot by the handgun and the bean bag rounds. █████ stated that the officers were by a tree when they began shooting and not the telephone pole where the memorial flowers now were.

█████ stated that Luis' body fell at the yellow school crossing sign. █████ stated, "I did not see either office move in any direction except straight and parallel to the street". █████ stated that she did not see the officer with rifle draw his handgun.

08/29/2017

Received letter back from SFPD Legal.

"IAD documents were previously provided to your office; however, enclosed are the IAD officer interview sketches by Officer

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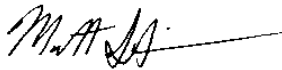
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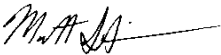
Michael Mellone #4249, Officer Esteban Perez, and Sergeant Nathaniel Steger #2252. Since then, there hasn't been any additional documents to the case no new entries made to the IAD chronological of Investigations."

Attached were copies of the officer interview sketches.



08/30/2017

Prep for case review meeting with Senior Inv. Maunder and DPA Attorney Ines Fraenkel for tomorrow.



09/05/2017

Meeting rescheduled for tomorrow 09/06 with DPA Attorney Ines Fraenkel and Senior Inv. Vallarreal at 1:00 PM



09/06/2017

Met with Senior Inv. Villareal to discuss the case. Per Inv. Villareal need to take the following additional steps:

- Conduct interviews with the [REDACTED] employees. Focus questions on how close they were to the incident.
- Identify the Supervisor that showed up on scene and conduct an interview
- Listen to CAD audio and summarize
- Interview an expert witness in regards to less lethal procedures

Need to also ask the following when conducting officer interviews:

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Row	Bar Length (approx. % of total width)
1	100%
2	40%
3	50%
4	90%
5	20%
6	95%
7	10%
8	98%
9	50%
10	99%
11	30%
12	97%
13	92%
14	70%
15	100%
16	35%
17	95%
18	55%
19	95%
20	45%
21	60%
22	95%

M. A. S.

Contacted and spoke to [REDACTED] to set up an interview. Will be speaking with her this Friday, September 22, 2017 at 1100. Will need to call her work number, [REDACTED]. Called and spoke with [REDACTED] at 1100. [REDACTED] stated that he wanted to speak with his supervisor first but would be getting back to me. Called [REDACTED] at 1105. Got voicemail, left a message.

Received a copy of the update Chronological of the Investigation from Homicide along with the medical examiners report and the toxicology report. There is a note on the chronological at 04/20/2016 that states:

"Information passed on from Sgt. Russell, Mission Station, that SFFD Firefighter [REDACTED] has information about the shooting. [REDACTED] apparently was upset about media statements

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and those of select witnesses as they differed to what he observed. Message left for [REDACTED] to call me"

Called SFFD main line and spoke to Mark at around 1200 to get contact information for [REDACTED]. Mark stated that [REDACTED] works at Station [REDACTED]. He stated that he is not working today and that I should try tomorrow. He provided me the number for Station [REDACTED] which is [REDACTED].

Spoke with [REDACTED] at 1433 hours. Set up a phone interview for Monday, September 25, 2017 at 1100. Her phone number for the interview is [REDACTED].

M.A.S.

09/20/2017

Called Station 7 at 1421 hours in an attempt to speak with [REDACTED]. Got voicemail, left a message.

M.A.S.

09/22/2017

Spoke with [REDACTED] at 1037 and sent up a time for an interview next week. Interview is scheduled for 0830 on Tuesday September 26, 2017. His phone number for the interview is [REDACTED].

Called Station 7 at 1040 and got voicemail. Left a message.

Reviewed the toxicology report (Case No. [REDACTED]) for Luis Gongora. The following compounds were present in Mr. Gongora's system at the time of his death:

Methamphetamine (1.01 mg/L)
Amphetamine (.14 mg/L)
Mephentermine (Detected)
THC (2ng/mL)
Carboxy THC (9ng/L)
Caffeine (Confirmed Present)

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M.A.S.S.

09/25/2017

Conducted an interviewed [REDACTED] Summary to follow.

M.A.S.S.

09/26/2017

Conducted an interview with [REDACTED]. Summary to follow.

Spoke with [REDACTED] at 1120. Rescheduled interview for tomorrow September 27, 2017 at 1100. Call in number will be her [REDACTED] [REDACTED]

Called Station 7 at [REDACTED] at 1240 in attempt to get a hold of [REDACTED]. Phone rang and voicemail did not pick up.

M.A.S.S.

09/27/2017

Conducted an interview with [REDACTED]. Summary to follow.
Spoke with Firefighter [REDACTED] at 1111. He stated that [REDACTED] [REDACTED] would be in at 0630 tomorrow. He said that [REDACTED]'s shift is 24 hours tomorrow.

M.A.S.S.

10/05/2017

CAD Summary

[REDACTED] with the Homeless out reach team puts in a call to 911 at 0957 on Thursday, April 7th, 2016. States that she was on shotwell between 17th and 18th. States that there is a gentleman

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with a large kitchen knife who is flailing the knife around. Angie describes him as "altered" to the emergency dispatcher. Angie describes the gentleman as latino is his 30's or 40's, 5'8, in a red soccer shirt and blue jeans.

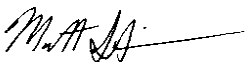
0959 call goes out for a latino male waving a large kitchen knife. Dispatcher describes his mental state as "altered" and that he is between 17th and 18th street. 3D11A [Michael Mellone #4249] and 3D101 [Nathaniel Steger #2252] respond to the call. At 1000 dispatcher asks if anyone has an ERIW to which Officer Mellone acknowledges that he does.

at 1002 Sergeant Steger states that he is being directed to 18th street by a homeless outreach team member. At 1003 Officer Mellone states, "he has a large kitchen knife that he just dropped". At 1004 Mellone states "shots fired" and gives code 33, "We just got challenged with a knife. He just attacked us with a knife". Mellone goes on to state, "we have the suspect holding the knife. He is down." Mellone goes on, "We deployed the ERIW several times, the suspect did not go down. He got up and charged at the officers with the knife in hand."

At 1005 Mellone states, "there are several witnesses in this homeless encampment that need to be detained and questioned." At 1010, dispatcher states that they need someone to go and look for security camera footage from any of the nearby businesses.

At 1013 Mellone states that officers use their smart phones to get recorded statements regarding the suspect charging at them. at 1014 unit 3D24 is assigned to checking the area for surveillance footage. At 1015 unit 3D14 states that he has checked the camera at [REDACTED] for footage.

At 1059 dispatch advises all units that if there are any witnesses, they need to be transported to Mission station and advise on the air when they are doing so.



10/16/2017

After a review of the incident report, **Sergeant Jeffrey Aloise #1303** set up the command post at 19th and Shotwell and directed

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officers to set-up a crime scene and for an officer to start a crime scene log. He also asked public safety statements to Sergeant Ziegler and Officer Mellone and had them transported to Mission station.

Conducted an interview with [REDACTED]. Summary to follow.

M.A. [Signature]

10/18/2017

Met with DPA attorney Ines Fraenkel and Senior Inv. Villarreal regarding this case. [REDACTED]
[REDACTED]
[REDACTED]

Will be scheduling officer interviews tomorrow.

M.A. [Signature]

10/19/2017

NTA's drafted and sent out for service. Dates and times of the interviews are the following:

Officer Esteban Perez #4183 - November 7, 2017 1000 hours (6th Floor Conference Room)

Sergeant Nathaniel Steger #2252 - November 8, 2017 1000 hours (6th Floor Conference Room)

Officer Michael Mellone #4249 - November 14, 2017 1600 hours (6th Floor Conference Room)

Conducted a follow-up review of IAD and Homicide division's audio recordings with Officer Perez and Sergeant Steger.

M.A. [Signature]

10/20/2017

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Spoke with Senior Inv. Villarreal regarding expert witnesses.
Will evaluate the need after officer interviews are completed.

M.A. [Signature]

10/23/2017

Summary of DPA interview with [REDACTED]

[REDACTED] stated that on the day of the shooting she was sitting at her office window. [REDACTED] stated that she heard someone yell "drop the weapon!" When [REDACTED] looked out the window, she saw two police officers standing on the sidewalk. [REDACTED] said that one was holding a pistol and the other was holding a red shotgun. [REDACTED] said that she then saw the officer with the shotgun fire the shotgun. [REDACTED] could not recall how many times he fired the shotgun. After the shots were fired from the shotgun, [REDACTED] stated that she saw Mr. Gongora, "leap up towards the police officers". [REDACTED] stated that the homeless man had a knife and when he leapt up from a seated position, the officer with the pistol shot him several times. [REDACTED] stated that she turned away when the shots were being fired and when she turned back around, Mr. Gongora was laying on his back with blood coming out of his clothes.

[REDACTED] stated that the officer who was holding the pistol was about ten feet away from her window. [REDACTED] stated that she had a clear view of the incident and her view was not obstructed by any objects. [REDACTED] stated that Mr. Gongora was sitting up against the building and was out of her view but saw him when he leapt up towards the officers. [REDACTED] stated that she did not see what the Mr. Gongora was doing prior to getting shot by the officers. [REDACTED] stated that the homeless man was holding the knife by the handle and the tip of the blade was pointed at the officers as he was getting up. [REDACTED] stated that it was, "not in a stabbing position". The knife was "up and down". [REDACTED] stated that the homeless man's body ended up by a parking sign/pole. [REDACTED] stated that Mr. Gongora's head was two feet away from the curb. [REDACTED] stated that the officer with the handgun was stationary when he shot Mr. Gongora. [REDACTED] did not see any officers touch Mr. Gongora immediately after the shooting happened.

Summary of DPA interview with [REDACTED]

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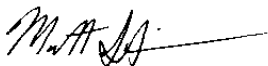
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█████ stated that on the day of the incident she was working at █████ and heard someone say "don't move". █████ stated that she went up to the window she saw two police officers that were facing the wall of the █████ building. █████ assumed they were talking to someone against the wall since she couldn't see from the position she was at. █████ stated that one of the officers was holding a long orange gun. She stated she didn't know what the other officer was holding because she was focused on the officer that was holding the orange gun. █████ stated that she ended up sitting back down at her desk but then heard shots and got up and went to the window again. █████ stated that Mr. Gongora had a knife on his hand was walking towards the street and then he fell. █████ stated at this point she turned away.

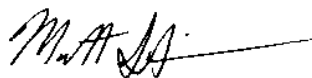
█████ stated that she was at least 10 feet away from the incident. █████ said that Mr. Gongora didn't seem to be affected by the bean bag rounds when they were being shot at him. █████ could not see what Mr. Gongora was doing prior to getting shot with the bean bag rounds. █████ stated that Mr. Gongora's body ended up closer to the curb when the incident was over. █████ described the pace Mr. Gongora was walking as "not normal". █████ stated that when Mr. Gongora was walking towards the street after getting shot with bean bag rounds, he was holding the knife by the handle and the tip of the blade was pointing toward the street.



11/03/2017

Spoke with Officer Mellone's attorney Don Nobles today at 9:15 a.m. He stated that they need to reschedule his interview. The new interview time is listed below:

Thursday, December 14, 2017 @ 11:00 a.m. - 6th Floor conference room.



11/06/2017

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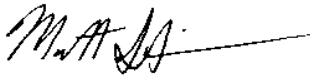
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Reviewed officer interview questions and nest cam footage for officer interview tomorrow.



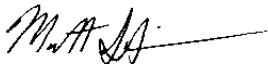
11/7/17 Spoke with ADA Andrew Lah. Will be sending him PDF of this CWS to review.



11/7/2017

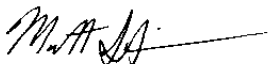
Conducted interview with Officer Perez. Summary to follow. Spoke with Sergeant Steger's attorney Scott Burrell. They needed to reschedule the interview that was scheduled for tomorrow. New interview time is the following:

Tuesday, December 12, 2017 at 1000 hours - 6th Floor Conference room.



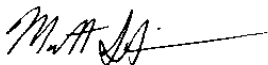
11/16/2017

Faxed a transcription quote request to Stephanie @ Wordjet.



11/20/2017

Interview transcripts received. Transcripts saved to the P drive.



12/11/2017

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Spoke with Sergeant Steger's attorney Scott Burrell at 10:20 AM. Mr. Burrell has a last minute federal court matter he must attend to and we will need to reschedule. I informed Mr. Burrell that since I was going to be out the 15th through Jan. 1st, the new date would have to be after the new year. Mr. Burrell said he would pick three dates and get back to me.

M.A. JJ.

12/14/2017

Conducted an interview with Officer Mellone. Summary to follow.

Faxed a non-routine request to SFPD Legal for the Supervisory Use of Force Evaluation

Received email from Scott Burrell and set-up new interview time with Sergeant Steger. New interview time is listed below:

February 6, 2018 at 10:00 a.m. - 6th Floor Conference Room

M.A. JJ.

01/12/2018

Met with DD Baltazar, Senior Inv. Villarreal, Chief of Staff Sarah Hawkins, and DPA Attorney Ines Vargas Fraenkel to discuss the case. Need to complete the following tasks:

- Contact Scott Burrell and see if it's okay for Sarah to sit in on the interview.
- Get any related documents from the Firearm Discharge Review Board
- Draft a timeline of the events from the incident
- Send interview questions to Ines prior to Sgt. Steger's interview
- When drafting closing report, make sure to mention issues regarding the change in use of force policy and how it applies to the incident
- Begin closing process by mid-February. Aim to have the case completely closed out by late March.

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M.A. J.

01/29/2018

Faxed a non-routine request to SFPD Legal for the Firearm Discharge Review Board findings.

Emailed copy of Sgt. Steger's interview question to DPA Attorney Ines Fraenkel for review.

Called Scott Burrell at 9:39 a.m. Got voicemail, left a message.

Timeline of Events

Using the CAD # [REDACTED] for reference.

09:57:29 9-11 dispatch received a report of a male waving a large kitchen knife

09:59:26 Officer Michael Mellone is dispatched to the scene

10:00:00 Officer Esteban Perez is dispatched to the scene

10:00:18 Sergeant Nathaniel Steger is dispatched to the scene

10:03:36 Officer Mellone, Sgt. Steger, and Officer Perez arrive on scene.

10:04:14 Officer Mellone calls in "shots fired"

02/01/2018

Spoke with Scott Burrell at 1:25 p.m. He said he was okay with Chief of Staff Sarah Hawkins sitting in on the interview. Advised Chief of Staff Hawkins via email.

M.A. J.

02/16/20018

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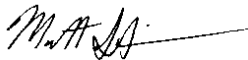
DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)

Emailed Captain Flaherty about a SME on CIT training and tactics pre-December 2016 (i.e., before the new DGO's on Use of Force/CIT).



02/21/2018

Received letter from SFPD Legal regarding the Firearm Discharge Review Board findings. The letter states, "Materials have not yet been presented to the Firearm Discharge Review Board and, as such, the FDRB have not provided their findings".



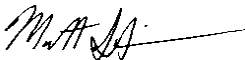
03/13/2018

Sent a follow-up email to Captain Flaherty regarding a CIT subject matter expert.

03/22/2018

Received info from Captain Flaherty that the CIT subject matter expert is going to be Sergeant Donnie Anderson who is currently stationed at the Field Operations Bureau.

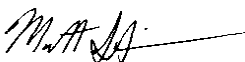
Called Sergeant Anderson at 10:15 a.m. Got voicemail. Left message.



03/27/2018

Received email from Sergeant Anderson. Per Sergeant Anderson, he started teaching CIT training in October of 2016. He recommended speaking with Lt. Mario Molina on CIT training pre December 2016.

Sent email to Lt. Molina regarding setting up an interview.



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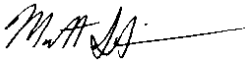
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DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)

03/29/2017

Received email back from Lt. Molina. Set-up interview time for Friday April 20, 2018 at 10:00 a.m.

Sent out NTA to Lt. Molina.



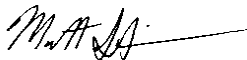
04/03/2018 Case Review

For consistency purposes, SI Villarreal will continue his involvement in the case by sitting-in on the interview with SME Lt. Molina.



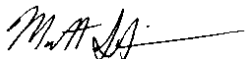
04/12/2018

Drafted interview questions for SME Lt. Molina.



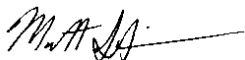
04/16/2018

Drafted witness chart.



04/18/2018

Updated witness chart. Reviewed homicide audio interviews of [REDACTED]. Sent interview questions for Lt. Molina to Senior Inv. Villarreal for review.



04/20/2018

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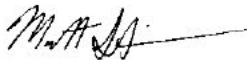
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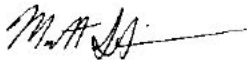
04/20/2018

Interviewed Lt. Molina. Interview went long and Lt. Molina had another prior engagement he needed to attend to. Interview is incomplete. Sent Lt. Molina an email to set up a time to finish his interview.



05/14/2018

Lt. Molina did not show up to his interview last Friday, May 11th. Received voicemail from Lt. Molina in the afternoon on Friday stating that [REDACTED] Rescheduled the interview for Wednesday May 16th at 10:00 a.m.



05/14/2015 Case Review

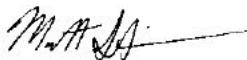
Please schedule a meeting with Samara for the first week of June (all evidence will be summarized by that time). We will discuss how to resolve the allegations in this case. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]



05/16/2018

Completed interview with Lt. Molina. Summary to follow.



05/21/2018 Case Review

Inv. Stonecipher will send the last interview for transcription and will check to see if all interviews have been transcribed. Once all interviews are summarized and the binders are ready,

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please deliver the case files to Attorney Marion for review.
Scheduled a status meeting for Tuesday, June 26, 2018 at 2:00
p.m.



05/23/2018

Discussed the status of the case file with Inv. Stonecipher.

Remaining investigative tasks:

- 2-3 officer interview summaries, including subject matter expert Lt. Molina.
- Send two recent interviews for transcription (and cross reference interview list to ensure that all other interviews have been transcribed.
- Create an evidence Matrix (bullet points or chart format).

Inv. Stonecipher will prioritize the following tasks to expedite forwarding the case file to Attorney Marion:

- Send the interviews for transcription (and cross reference for any that were not transcribed). Request "rush" service.
- Update binders with the transcription that are already complete.
- Provide the following to Attorney Marion by Friday, May 25th:
 - Transcription binder
 - Printed copies of any incident reports and chronologicals associated with the case.

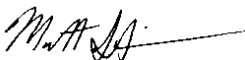
Spoke with Attorney Marion regarding timing.



05/29/2018

Sent audio files for interviews of Officer Mellone and Sergeant Steger to Wordjet for transcription.

Assembled binder for DPA Attorney Marion for review.



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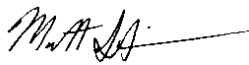
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05/31/2018

Began doc review.

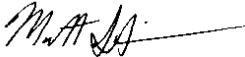
A handwritten signature in black ink, appearing to be 'M.A. SA', with a horizontal line extending to the right.

06/01/2018

Finished doc review. Sent a non-routine request to legal for the crime scene response form 235E, Officer training and disciplinary records for Officer Mellone and Sergeant Steger, and updated chron's from Homicide and IAD.

Faxed a routine request to Mission station for the daily equipment sign in/sign out sheet.

Reorganized evidence binders.

A handwritten signature in black ink, appearing to be 'M.A. SA', with a horizontal line extending to the right.

05/24/2018 - 06/01/2018

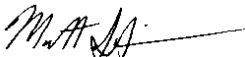
Reviewed and assembled digital files for subject matter expert review.

A handwritten signature in black ink, appearing to be 'SA', with a horizontal line extending to the right.

06/11/2018

Transcripts for Officer Mellone, Sergeant Steger, and Lieutenant Molina's interviews received. Digital files saved on the P Drive. Hard copies printed out and placed in the DPA interview binder for this case.

Received Daily Equipment Sheet from legal.

A handwritten signature in black ink, appearing to be 'M.A. SA', with a horizontal line extending to the right.

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06/26/2018 Case Review

A status meeting with Attorney Marion is scheduled for tomorrow, June 27th.

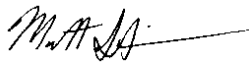


07/02/2018

Faxed a non-routine request for legal for updated training materials from the CIT program.

Received training and disciplinary records for Sergeant Steger and Officer Mellone and an updated version of IAD's chron. Legal is requesting a 14 day extension for providing the updated Homicide chron along with the Crime Scene Response Form 235E.

Digital copies of documents received saved on to the S drive.



07/09/2018

Conducted an interview with Officer Michael Mellonne #4249 on December 14, 2017 at 10:55 a.m.

Summary of interview with Officer Michael Mellonne #4249

Officer Mellone stated that he is a CIT certified officer and received his training in 2014 prior to this incident. In regards to the incident, Officer Mellonne stated that he was dispatched to a priority incident of a man wearing a red shirt and blue jeans acting erratic waving a knife. The call came in on 911. When Officer Mellonne arrived on scene, he saw an individual that matched the description. Officer Mellonne saw that had a very large knife. Officer Mellonne gave verbal commands to the individual to put the knife down. Officer Mellonne stated that the individual complied with the commands but then reacquired the knife and was behaving erratically. Officer Mellonne then deployed the ERIW and it had no effect on him. Officer Mellonne continued deploying the ERIW, with no effect, and the individual charged at Sergeant Steger while holding the knife. Officer Mellone believed that the individual was going to stab Sergeant

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Steger so he transitioned from his ERIW to his pistol and fired three to four rounds. Officer Mellone coordinated having an ambulance come on scene. Officer Mellone stated that Sergeant Steger was the senior officer on scene and was providing lethal cover during the incident. Officer Mellone stated that when they arrived on scene, Mr. Gongora was seated against the PG&E building on the sidewalk. Officer Mellone stated that Mr. Gongora was holding the blade, at this point, "up and out". Officer Mellone stated that he gave many verbal commands to Mr. Gongora such as "put it down", "drop the knife", "don't touch that". Officer Mellone stated that commands were given in Spanish by an officer behind him. Officer Mellone stated that he was 20 to 30 feet away from Mr. Gongora when he gave the verbal commands. Officer Mellone described Mr. Gongora's demeanor when he first encountered him as "altered". Officer Mellone stated that when Mr. Gongora charged at Sergeant Steger, the knife was in his right hand and the edge point of the knife was pointed at Sergeant Steger. Officer Mellone described Mr. Gongora's movement toward Sergeant Steger as a very fast run. Officer Mellone stated that he was 10 feet away from Mr. Gongora when he fired his firearm. Officer Mellone stated that Sergeant Steger fired first. Officer Mellone stated that no pedestrians were in his field of fire when he fired his pistol. Officer Mellone stated that when Mr. Gongora put down the knife, Sergeant Steger and himself moved in close to him. Officer Mellone stated that he was involved in another use of force incident back in 2006 in Antioch. Officer Mellone stated that he was pursuing a homicide suspect that was also involved in a home invasion robbery. The individual rammed a police officer and then ended up crashing his vehicle into a tree during a high speed pursuit. Officer Mellone and his partner discharged their firearms after the individual reached for his gun. The individual lived and is currently serving time in prison.

Conducted an interview with Sergeant Nathaniel Steger #2252 on February 26, 2018 at 10:02 a.m.

Summary of interview with Sergeant Nathaniel Steger #2252

At the time of this incident, Sergeant Steger was not CIT trained. Sergeant Steger used to teach conflict resolution training at the academy. Sergeant Steger stated that on the day of the incident, they were short staffed and he was handling calls for service. Sergeant Steger was responding to an alarm

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call when he was preempted to a call regarding a man waving a knife. Sergeant Steger responded to the scene and provided back-up for Officer Mellonne. Sergeant Steger was heading northbound on Shotwell when a member of the San Francisco HOT team points out Mr. Gongora. Sergeant Steger and Officer Mellonne stop and exit their vehicles. Sergeant Steger sees Mr. Gongora who is sitting against the wall. Officer Mellonne took the building line and Sergeant Steger takes the curb and they triangulate on Mr. Gongora. Sergeant Steger stated that Officer Mellonne then gave commands to Mr. Gongora to drop the knife. Sergeant Steger noticed that Mr. Gongora was holding a 13 to 14 inch kitchen knife in his hand and then begins to put it on the ground. Officer Mellonne issued Mr. Gongora another command and Mr. Gongora then reacquired the knife. Sergeant Steger stated that at this point Officer Mellonne discharged the ERIW. Sergeant Steger stated that the round hit Mr. Gongora in the right arm. Sergeant Steger stated that Mr. Gongora then stood up and took a few steps and Officer Mellonne fired the ERIW at him again and then Mr. Gongora charged at Sergeant Steger. Sergeant Steger is in fear of his life. He is afraid that Mr. Gongora is trying to kill him. Sergeant Steger stated that Mr. Gongora had the knife out with his arm [the one holding the knife] cocked back. Sergeant Steger began backing up and fired his gun three to four times. Mr. Gongora then dropped to the ground and Sergeant Steger holstered his weapon.

Sergeant Steger stated that Mr. Gongora's legs were straight out when he was sitting against the wall of the PG&E building. Sergeant Steger stated he and Officer Mellonne did not discuss any tactics or procedures prior to their contact with Mr. Gongora. Sergeant Steger was not aware at the time if commands were given Spanish but knew after the fact that Officer Perez attempted to give commands in Spanish. Sergeant Steger stated that they did not move closer when Mr. Gongora reacquired the knife. He said they were still about 30 feet away. Sergeant Steger stated that there really wasn't any time to have Mr. Gongora create distance between himself and the knife since he reacquired the knife, which, in Sergeant Steger's opinion showed his intent. Per Sergeant Steger, "he didn't give us that option". Sergeant Steger stated that Mr. Gongora sprinted towards him. Sergeant Steger stated that there were not any pedestrians in his line of fire when he shot. Sergeant Steger stated that Mr. Gongora was about eight to ten feet away from him when he opened fire. Sergeant Steger stated that Mr. Gongora's body fell close to the curb.

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M.A. JJ.

07/10/2018

Conducted an interview with Lieutenant Mario Molina [Subject Matter Expert] #1586 on April 20, 2018 - Part 1

Summary of interview with Lieutenant Mario Molina #1586

Lt. Molina stated that CIT team started with SFPD back in 2010 but the first CIT class was back in 2011. SFPD designed their program based off of the program that was created by Memphis PD. The Memphis model was 40 hours and SFPD adopted that as well. The 40 hours consisted of training on mental health science and symptoms, PTSD, suicide by cop. They also incorporate six to eight hours on role-playing. Lt. Molina stated that he became involved with the CIT program back in 2014 when he was asked to head it by Assistant Chief Lyn Tomioka. Lt. Molina stated that prior to the CIT program, SFPD had a program called PCIT [Police Crisis Intervention Training] that lasted from 2002 to 2009. Lt. Molina's understanding was that in 2010 there were two high profile shootings that happened and Chief Gascon stopped the program to reassess it. Lt. Molina stated that he assisted with developing some of the curriculum with the CIT program along with [REDACTED] [Public Defender - Chair for the Curriculum Committee], [REDACTED] Community Engagement for NAMI], [REDACTED]

Lt. Molina stated that when he took over the CIT program, it was a volunteer program. Officers were not mandated to go. Lt. Molina stated that the training now is four days long, 10 hours each day. Lt. Molina stated that anywhere from 20 to 30 officers take the course at one time. Lt. Molina stated that officers are provided handouts regarding the material they are being taught. Lt. Molina stated that officers don't have homework with the program and are not given exams. Lt. Molina stated that when he took over the program, he felt they needed to improve the faculty (instructors) so he went to the Department and asked for a budget. Lt. Molina also stated that prior to 2016, the officers were not receiving role-playing scenarios involving individuals with weapons. Lt. Molina stated that SFPD's mentality, back then, was the officers were already receiving training that addresses those situations so they felt there wasn't a need for it to be taught in CIT training. Additionally, Lt. Molina stated

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that they were also seeing officers responding to situations as a group but they were acting as individuals. Lt. Molina looked at a similar program Seattle PD was providing their officers and saw they were teaching officers to form a team where only one person talks to the person in crisis. After seeing that, Lt. Molina suggested SFPD incorporate that training into their program. Lt. Molina also suggested that they teach them more on the topic of de-escalation as well. Lt. Molina stated that these policies were adopted into the CIT program in December of 2016. Lt. Molina also stated that along with the revamping of the CIT program, the Academy also expanded their use of force training to 10 hours. Lt. Molina reiterated that the CIT program prior to December 2016 was more of a informational course about mental health. After December of 2016, the program to incorporate real scenarios involving individuals with weapons. Lt. Molina also stated that the CIT training prior to 2016 was held three to four times a year. Now the training is held ten times a year.

Conducted an interview with Lieutenant Mario Molina #1586
[Subject Matter Expert] on May 16, 2018 - Part 2

Summary of interview with Lt. Mario Molina #1586 - Part 2

Lt. Molina stated that when it comes to an officer responding to a scene where a person is in crisis and there are other officers implementing de-escalation tactics, how that concept is being taught has changed quite a bit. Lt. Molina said that they were teaching it prior to 2016 but not nearly as much as they do now. Lt. Molina stated that if one officer has already established a line of communication with the individual and other officers arrive, the other officers act as the speaking officers eyes and ears and provide back-up. The CIT program, post 2016, also has officers identify themselves as CIT trained when they arrive on a scene, tell them if the individual has a weapon or not, have the ERIW with them, and have a supervisor respond. Lt. Molina stated that prior to 2016, the role-playing was done by all officers which he felt effected the training. In 2016, Lt. Molina began hiring a company of actors to help with the role plays. Lt. Molina stated that the new 5.01 DGO and CIT are "married together". Lt. Molina stated that a lot of the same language was in both policies and there is a new emphasis on de-escalation. Lt. Molina noted that now officers are required to explain on their reports that de-escalation was attempted and if it wasn't, why. He also mentioned that officers now have to fill out a form any time force is used. Lt. Molina stated that since the revised

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CIT program was implemented, the use of force against officers has decreased. Lt. Molina also mentioned that the concept of tactical deployment, a CIT technique, is now being used more which was not done in the past. Lt. Molina also noted that the program now has better instructors and nationally recognized experts that teach specific topics which has helped the program.

Lt. Molina stated that officers are now presented a role play scenario in CIT where they are dealing with a person with a baseball bat and they have to get the individual away from it. Lt. Molina stated that this scenario was not being taught prior to 2016. Lt. Molina stated that DGO 5.21, which was changed on December 21 2016, was not changed due to the Mario Woods shooting. He stated that the modification of this DGO was in the works before the Woods shooting. Lt. Molina stated that he assisted with drafting DGO 5.21.

M.A. SA

07/11/2018

Received updated copy of Homicide's chron from legal.

Received letter from legal dated July 5th stating that they were unable to locate the Crime Scene Response Form.

M.A. SA

07/31/2018 Case Review

Status meeting with Attorney Marion and Inv. Stonecipher occurred last week.

Next steps: Attorney Marion will follow-up regarding Mike Gennaco's involvement. Inv. Stonecipher will wait for Mr. Gennaco's analysis before drafting any analysis for the report of findings. In the meantime, Inv. Stonecipher will input all summaries of evidence into a report, using the sustained report template as a guide for formatting.

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Anticipate drafting the report of findings the last week of October.



8/27/18

Received materials from IIB related to their investigation of this OIS. Notified Investigator Stonecipher, Senior Investigator Maunder, and Attorney Marion. **SH**

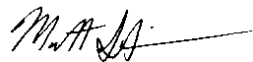
08/28/2018 Case Review

Meeting with Attorney Marion and intern Ramsay. Ramsay will summarize the evidence and create an evidence matrix. Sent Ramsay evidence matrix examples.



09/10/2018

Submitted request to legal for remaining transcripts from IAD and homicide interviews.



9/17/2018

Reviewed file. Added the IIB interviews to the recordings folder.



09/19/2018 Case Review

The outcome of this investigation will likely depend on the subject matter expert's opinions. Inv. Stonecipher and Atty. Marion will meet with Mr. Gennaco in late October. The report will incorporate Mr. Gennaco's report and some aspects of IIB's

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findings. Ramsay's evidence summaries may be unnecessary and are on hold.



10/01/2018

Reviewed CWS for updates.



10/5/18

Faxed request for updated IAD chronology, IAD report and any other documents since June 2018 request.



10/26/18: Downloaded the SFPD Homicide interviews and transcripts on a thumb drive and submitted the drive to Director of Policy Marion.



10/29/2018

Received homicide's and IAD's reports on the case. Note, the IAD report is redacted and does not include any conclusions or findings. Documents saved to the corresponding S Drive folder.

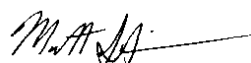


10/31/18: Inv Stonecipher and I received an email from SI Villarreal regarding a message he received from Atty Mellone regarding the status of the case.



11/01/2018

Spoke with Officer Mellone's attorney Don Nobles over the phone at 9:58 a.m. Mr. Nobles was checking on the status of his case. I informed him the case was winding down and it should be closed by the end of next month.



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COMPLAINT WORK SUMMARY**

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OIS INVESTIGATION

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DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)

11/7/18: Reviewed the file. The case is pending SME review.

Carolee Carpenter

12/4/18: Met w/ DOP Marion and SI Carpenter.

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Instructed to prepare SR draft by January 18th.

Scheduled to meet again to discuss the case on 12/12/18.

M.A. J.

12/4/18: Next Steps

- Q2 Mellone had a prior OIS in [REDACTED] County, please request Officer Mellone's hiring packet and employment application.
- Prepare OIS binders
- Prepare CSR
- Review Seattle PD report
- Review 0252-16 SR report
- Review SME report.
- Prepare SR

Carolee Carpenter

12/06/2018

Received and reviewed SME report.

Began binder assembly.

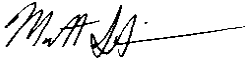
DEPARTMENT OF POLICE ACCOUNTABILITY
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12/10/2018

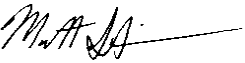
Binder assembly complete.



12/11/2018

Submitted a non-routine request for the hiring packet and SFPD employment application related to Officer Mellone.

Started CSR draft.



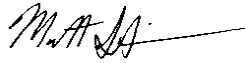
12/11/18: Discussed case w/ Inv Stonecipher. Determined that there should be a DPA Added Allegation for ND for failure to take required action for the failure to comply with DB 15-234.

- Add DPA Added Allegation
- Schedule interview



12/11/18

Drafted new allegation form and submitted to admin.



12/12/2018

Met with DPA Attorneys Marion and Rosenstein as well as Senior Inv. Carpenter to discuss the case. After discussion, we concluded that [REDACTED]

[REDACTED]

[REDACTED]

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DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)

[REDACTED]

Drafted and sent out new NTA's. The new interview times are:

Sergeant Nathaniel Steger #2252 on January 10, 2019 at 10:00 a.m.

Officer Michael Mellone 4249 on January 10, 2019 at 4:00 p.m.

Drafted new allegation form for Sergeant Steger. Submitted new form to admin.

The new deadline to have the sustained report completed by is January 31, 2019.

M.A. J.

12/13/2018

Began drafting sustain report.

M.A. J.

01/07/18

Drafted officer interview questions.

M.A. J.

01/08/18

Spoke with Scott Burrell regarding Sergeant Steger's interview. Scott requested the time be pushed back to noon on the 10th which I granted.

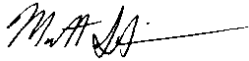
**DEPARTMENT OF POLICE ACCOUNTABILITY
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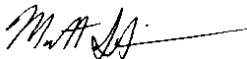
01/09/18

Worked on sustain report.

Spoke with Don Knobles regarding Sergeant Mellone's interview. Don requested additional discovery and asked to push back Mellone's interview potentially to February 4th. Forwarded the records request email to DPA Attorney Rosenstein. DPA Attorney Rosenstein scheduled a meeting with myself, Chief of Staff Hawkins, DPA Attorney Marion, and Senior Inv. Carpenter to discuss the case and the current deadlines.

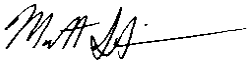
Spoke with Scott Burrell who requested additional discovery as well. Forwarded his request email to DPA Attorney Rosenstein. He also requested that we postpone Sergeant Steger's interview.

New meeting times with both officers will be confirmed shortly.



01/10/18

Worked on sustain report.



01/11/18

Worked on sustain report.

Met with DPA Attorneys Rosenstein and Marion as well as Chief of Staff Hawkins to discuss the case. Meeting notes:

- 

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[REDACTED]

| [REDACTED]

| [REDACTED]

[REDACTED] a
[REDACTED]

M. A. J.

1/16/19: Case review. Atty Wargo-Wilson was in attendance.

- [REDACTED]
- | [REDACTED]
- | [REDACTED]

Caroline Carpenter

01/16/18

Spoke with Chief of Investigations Baltazar regarding SME on less lethal. COI Baltazar spoke with Captain Flaherty over at the academy who advised that Sergeant Alan Callaway would be the best person to speak to.

I reached out to Sergeant Callaway over at the Academy. Sergeant Callaway said that he has only been doing the less lethal training at the academy for the last six months. He said he would reach out to his staff and find someone who was better suited for the interview. I advised Sergeant Callaway that we need someone with knowledge of ERIW training from 2012 to 2016 (Mellone's employment period with SFPD at the time of the incident). He also said he would help assist in providing any written materials that were provided for that training.

Contacted the Medical Examiner's office and spoke with Trish an Investigator. Jennifer Park who performed the autopsy is no longer with the Medical Examiner's office. The ME report states that there were also four physicians present during the autopsy:

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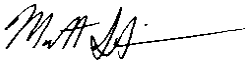
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DATE & ACTIVITY (DATE & SIGN AFTER FINAL ENTRY ON EACH PAGE)

Dr. Michael Hunter
Dr. Amy Hart
Dr. Ellen Moffatt
Dr. Harminder Narula

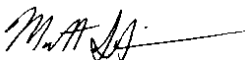
All four physicians are still with the Medical Examiner's office. Trish stated that Dr. Hunter would be the next best route for a person to interview. Informed DPA Attorney Rosenstein of the situation. I was advised by DPA Attorney Rosenstein to reach out to Dr. Hart regarding the interview.

Sent email to Dr. Hart about setting up an interview for next week.



01/22/19

Received email from Chief Medical Examiner Dr. Michael Hunt who stated he would be willing to be interviewed for this case. Scheduled interview for January 24, 2019 at 2:00 p.m.



01/24/19

Conducted an interview with Dr. Michael Hunt with the Medical Examiner's Office (not recorded)

- Dr. Hunt is Chief Medical Examiner for the Medical Examiner's office.
- He has worked many officer involved shooting related autopsies and is familiar with the type of wounds from those incidents.
- They are provided a copy of the incident report when they receive the body.
- The homicide investigators regularly communicate with the Medical Examiner investigators
- Mr. Gongora had multiple gunshot wounds which resulted in his death (6 gunshot wounds)
- Bruising around eyes from the skull fracture from the bullet wound.
- The abrasions mentioned on the back and arm in Dr. Park's report are consist with those of a less lethal bean bag round. (2016-0349-90, 2016-0349-66)
- There were two marks on the right arm from the less lethal round.
- Recent bruising is typically a purple color. When it ages over time, it can become yellow or green.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT WORK SUMMARY**

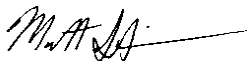
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- Dr. Hunt would've noted those were from a bean bag round on the autopsy report.
- It is up to the Doctor's discretion whether or not they want to be specific about what the wounds could be from.
- He was unable to tell what injuries came first.
- He was unable to tell which wounds were action wounds.
- Does not recall if he spoke to Dr. Park about this autopsy
- If gun powder was located on clothing, you would be able to potentially gauge the distance at which someone shot from.
- Dr. Hunt stated that Mr. Gongora had a lot of methamphetamine in his system and was intoxicated.
- Methamphetamine stays in a person's system for a couple of hours.



02/04/19

DPA interviewed Subject Matter Witness Officer Kirk Bozin #814

- Officer Bozin is the firearm instructor at the San Francisco Police Academy and teaches the use of the ERIW.
- SFPD has been teaching ERIW instruction at the academy since 2012 or 2013.
- Lateral transfers have to take the exact same training for the ERIW along with the new recruits.
- He stated that the ERIW is used to gain compliance or take an individual into custody.
- The ERIW course at the academy is a one day course that lasts eight hours.
- The course is 4 hours of lecture and four hours of live fire/scenario based training.
- The officers do two role playing scenarios, one involves an individual with a knife.
- De-escalation techniques are discussed as part of training.
- They review Department General Order 5.01 in the training but just the ERIW portion.
- The optimal distance to deploy the ERIW is between five and twenty yards. They do discuss that there are situations where you can shoot the ERIW from less than the minimal range. They include being in a small room or an individual is approaching you faster than you can engage them.
- Officers are taught that they must have a lethal cover officer when using the ERIW. They are taught to discuss who is going to be the lethal officer prior to responding.
- Officers are instructed to aim at zone 2 (below the waist) on an individual because that is the safest place to shoot someone with it. They are taught that they may have to aim at zone 1 (above the waist) if zone 2 is unavailable. Officer Bozin gave situational examples such as an individual is standing behind a car, they are holding something in front of their body, or if they are seated.

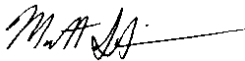
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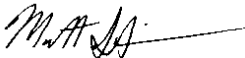
- When firing at zone 1, officers are taught to avoid the head, face, neck, heart, and throat.
- Officers are instructed to state, “verbal challenge, red light, red light, less lethal, less lethal, drop the weapon or I will shoot” prior to using the ERIW.
- Officers are taught that there are exceptions to not using the verbal challenge such as there not being any time.
- Officer Bozin stated that reassessing after every shot can be a matter of seconds. It’s taking your eyes of the sites of your weapon.
- Officer are not taught to use the ERIW to knock an object out of an individual’s hand. “It would probably be a – it’s like shooting center mass. It’s the biggest target available so I could see shooting somebody in the arm but the intention of shooting them in the hand to knock their weapon out of their hand, I don’t think that would be – the average officer would be able to do that so we wouldn’t teach that” (p. 16 lines 13 through 18).
- When asked about giving the verbal challenge to a suspect who is seated, Officer Bozin stated, “If he’s seated and no- no ah, signs of getting up and approaching me, I would say yes, I would like to see them give commands”. (p. 22 lines 16 through 18).



02/05/2019

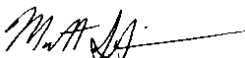
Notified Don Nobles and Scott Burrell regarding the cancelation of Officer Mellone and Sergeant Steger’s interviews slated for next week.

Faxed a non-compliance letter to SFPD Legal regarding the non-routine request from 12/11/18.



02/06/2019

Received email from Sergeant Mellone confirming that his email had been pulled off calendar. Sent email to Sergeant Mellone confirming the cancelation of his interview.



02/07/2019

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT WORK SUMMARY

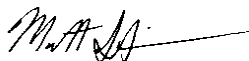
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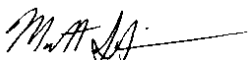
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Faxed records requests to [REDACTED] for Sergeant Mellone's personnel records.



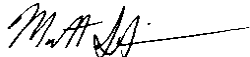
02/23/2019

Worked on sustain report



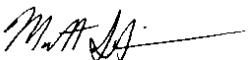
02/24/2019

Worked on sustain report.



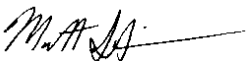
02/26/19

Sent email to Keith Wilson [REDACTED] Personnel department regarding our records request.



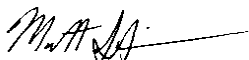
03/03/2019

Worked on sustain report.



03/13/2019

Worked on sustain report.



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03/14/19

CLOSURE RECOMMENDATIONS

Allegation 1: Neglect of Duty (ND) – The officer failed to comply with Department Bulletin 15-234 (Officer Michael Mellone #4249)

Rules: Department Bulletin 15-234, Department General Order 5.01

Recommendation: Sustained

Allegations 2 and 3: Unnecessary Force (UF) – The officers used unnecessary force (Officer Michael Mellone #4249 and Sergeant Nathaniel Steger #2252)

Rule: Department General Order 5.01

Recommendation: Not Sustained

Allegation 4: Neglect of Duty (ND) – The officer failed to supervise (Sergeant Nathaniel Steger #2252)

Rules: Department Bulletin 15-234, Department General Order 1.04

Recommendation: Sustained

Drafted CSR and Sustain Report

Updated AF's and submitted to admin.

Submitted to Senior Inv. Gray for review.



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3/18/19

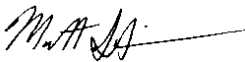
--E-mail to Lt. Cox re disciplinary records for named officers.

--Reviewed file; read interview transcripts and reviewed evidence.



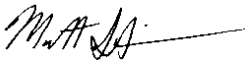
03/25/19

Spoke with attorney Elizabeth Fraparcangeli at 1:54 p.m. regarding [REDACTED] request. She said she would reach out to attorney Derek Cole and would get back to me.



03/26/19

Received response letter from [REDACTED] regarding our records request. We should be receiving documents within the next two weeks,



06/06/19: Reviewed and signed SR, dating the report for Friday, June 14. File to P. Thompson.



Internal Affairs Division Interview Record

1. This interview regarding **OIS Case # 16-001** is taking place at the Office of the Internal Affairs Division on Wednesday, April 20, 2016 at _____ hours.
2. Conducting this interview is Sgt. John Crudo #1694, Internal Affairs Division.
3. Assisting me in this interview, from the Internal Affairs Division, is: [Sgt. Dennis Toomer #]
4. The member being interviewed is (please state and spell your name, rank, and star number) **[Officer Michael Mellone #4249]**.
5. **Off Mellone** is the named officer in this matter.
6. Representing **Off. Mellone** is: (please state and spell your name and title). [Don Nobles]

No one else is present.
7. **Officer Mellone**, have you read Department General Order 2.01, *General Rules of Conduct*, in particularly, Rule 21, *Cooperation with Investigations*?
8. Have you read Department General Order 2.08, *Peace Officer Rights*?
9. **Officer Mellone**, do you understand that this interview is being recorded?
10. Because there could be criminal culpability on the your part, I am advising you that
 - a. You have the right to remain silent;
 - b. Anything you say may be used against you in a court of law.
 - c. You have the right to the presence of an attorney before and during any questioning;
 - d. If you cannot afford an attorney, one will be appointed for you free of charge, before any questioning, if you want.
Do you understand each of these rights, as I have explained them to you?
11. Are you prepared to be interviewed at this time?

-
1. Although you have the right to remain silent and not incriminate yourself, your silence may be deemed insubordination and result in administrative discipline up to and including removal from office as a police officer.

In **Garrity vs. New Jersey**, and reaffirmed in **Gardner vs. Broderick**, the United States Supreme Court held that a public employee has the right to be free from compulsory self-incrimination. When an employee is compelled to provide a statement under the threat of removal from office, the statement cannot be used against the employee in a subsequent criminal prosecution.

In ***Lybarger vs. City of Los Angeles***, the California Supreme Court held that although you have the right to remain silent and not incriminate yourself, your silence may be deemed insubordination, and as such, result in the imposition of administrative discipline up to and including termination. Any statement made by you under the compulsion of such a threat cannot be used against you in a later criminal proceeding related to this incident.

If you do answer my questions, your statements and any information gathered by reason of such will be held confidential, in accordance with CA Penal Code 832.7. Your statement and the information gathered shall not be divulged, except as required by law.

2. Do you understand these court decisions?
 3. Are you familiar with the Public Safety Officers Bill of Rights, as defined in the CA Govt. Code?
 4. Do you understand your rights as a sworn peace officer?
 5. Do you understand that I am conducting an administrative investigation?
 6. **Officer Mellone**, my name is Sergeant John Crudo. I work for the Internal Affairs Division of the San Francisco Police Department. I have been designated by the Chief of Police to conduct this investigation. I am therefore ordering you to answer my questions.
 7. Do you understand this order?
 8. **Officer Mellone**, are you prepared to be interviewed at this time?
-

Conclusion

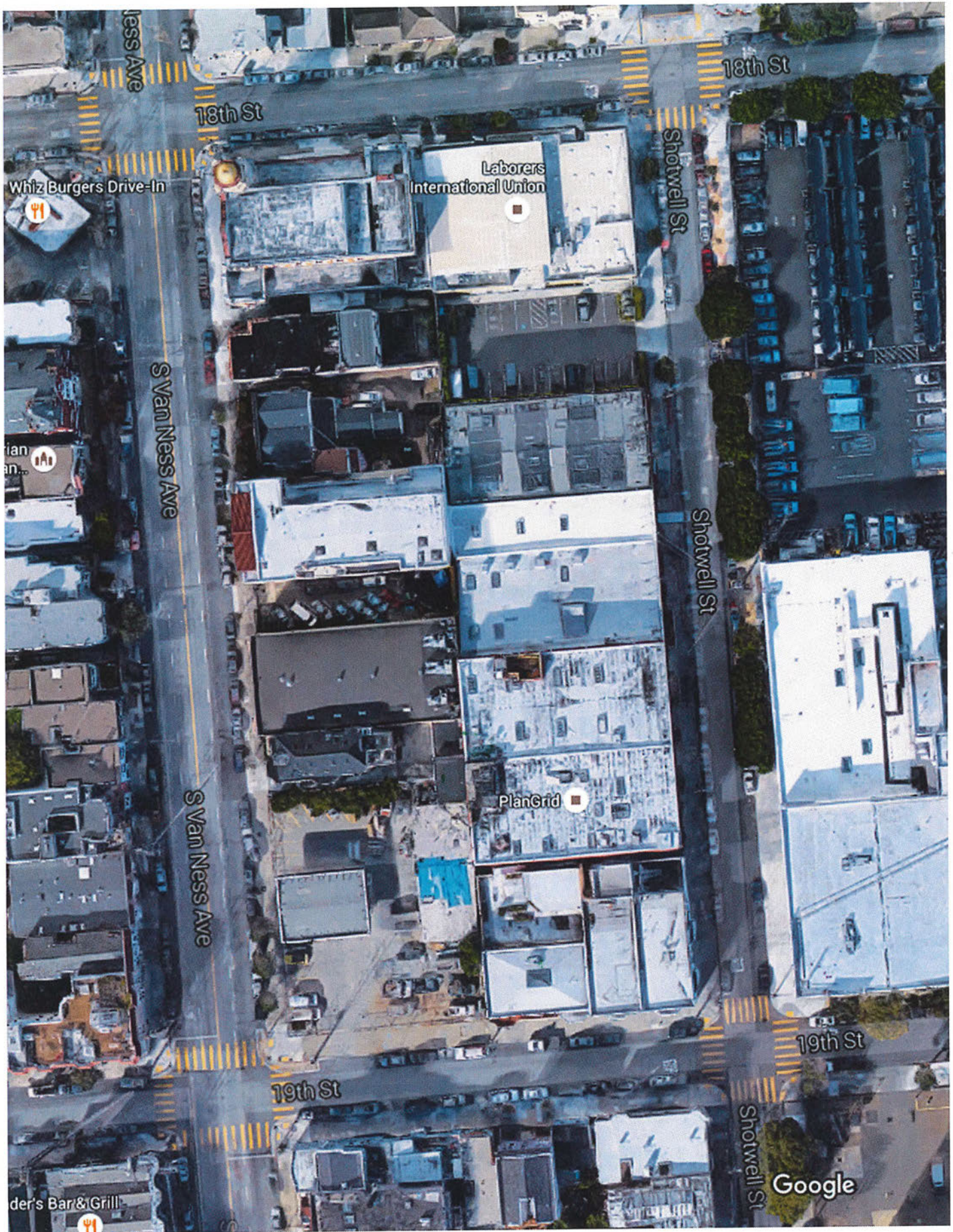
1. **Officer Mellone**, is there anything else regarding this incident and the investigations that we have not covered that needs to be added? Is there anything stated during this interview that needs to be changed or clarified?
2. After you leave this interview, should you recall anything that differs from, or is in addition to the information you provided today, you are ordered to provide that information to me as soon as practical.

Do you understand?

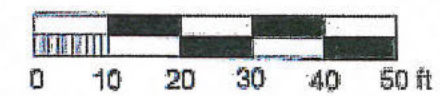
3. You may discuss this matter with your representative, as you choose. Otherwise, I am ordering you not to discuss any portion of this investigation with any other department employee.

Do you understand this order?

4. This interview is concluded. The time is _____ hours; the recording will now be ended.

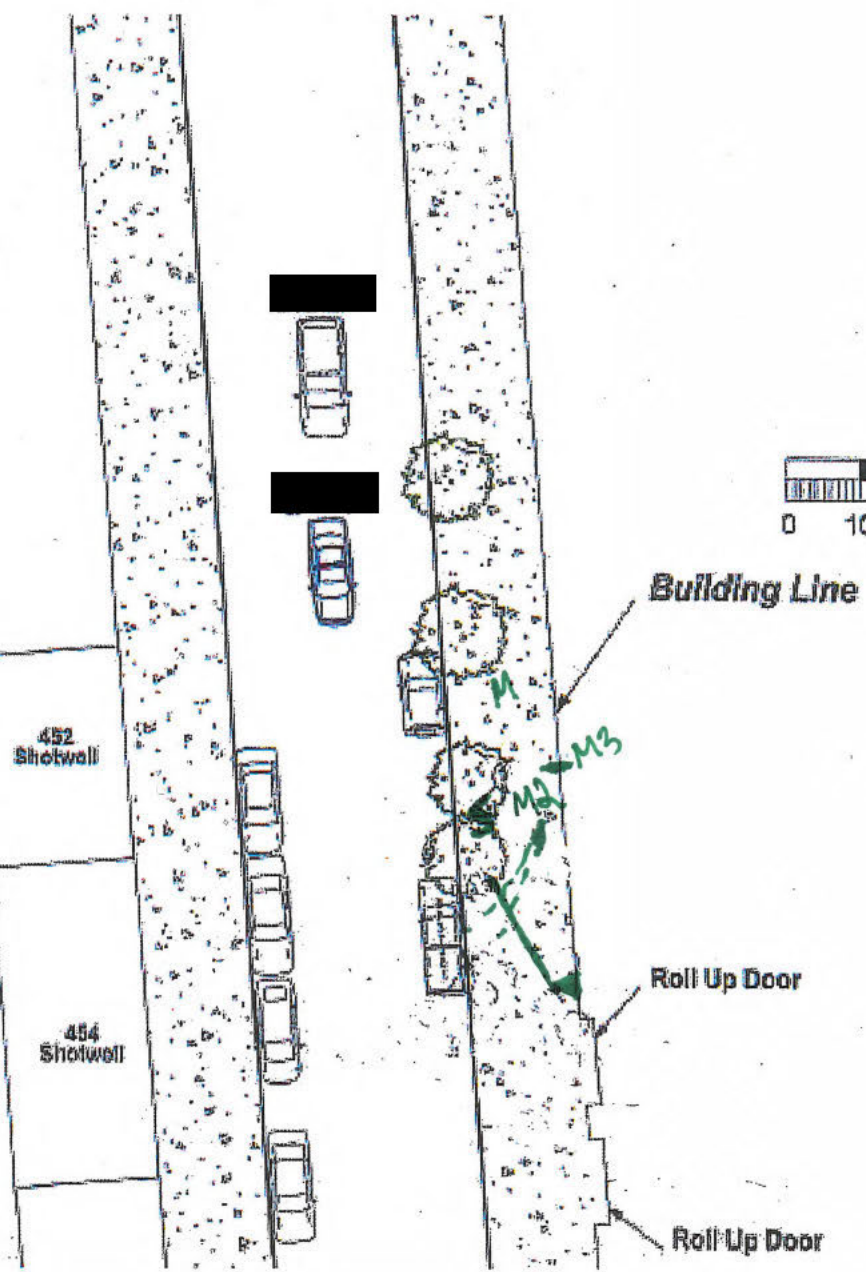


DRAFT



OFFICER INVOLVED SHOOTING

400 Block Of Shotwell Street



Drawn By: Ofc. Junc 4121 4/7/2018

Internal Affairs Division Interview Record

1. This interview regarding **OIS Case # 16-001** is taking place at the Office of the Internal Affairs Division on Tuesday, April 18, 2016 at _____ hours.
2. Conducting this interview is Sgt. John Crudo #1694, Internal Affairs Division.
3. Assisting me in this interview, from the Internal Affairs Division, is: [Sgt. Dennis Toomer #849]
4. The member being interviewed is (please state and spell your name, rank, and star number) [Sergeant Nathaniel Steger #2252].
5. **Sgt. Steger** is the named officer in this matter.
6. Representing **Sgt. Steger** is: (please state and spell your name and title). [Scott Burrell]

No one else is present.
7. **Sergeant Steger**, have you read Department General Order 2.01, *General Rules of Conduct*, in particular, Rule 21, *Cooperation with Investigations*?
8. Have you read Department General Order 2.08, *Peace Officer Rights*?
9. **Sergeant Steger**, do you understand that this interview is being recorded?
10. Because there could be criminal culpability on the your part, I am advising you that
 - a. You have the right to remain silent;
 - b. Anything you say may be used against you in a court of law.
 - c. You have the right to the presence of an attorney before and during any questioning;
 - d. If you cannot afford an attorney, one will be appointed for you free of charge, before any questioning, if you want.
Do you understand each of these rights, as I have explained them to you?
11. Are you prepared to be interviewed at this time?

-
1. Although you have the right to remain silent and not incriminate yourself, your silence may be deemed insubordination and result in administrative discipline up to and including removal from office as a police officer.

In **Garrity vs. New Jersey**, and reaffirmed in **Gardner vs. Broderick**, the United States Supreme Court held that a public employee has the right to be free from compulsory self-incrimination. When an employee is compelled to provide a statement under the threat of removal from office, the statement cannot be used against the employee in a subsequent criminal prosecution.

In ***Lybarger vs. City of Los Angeles***, the California Supreme Court held that although you have the right to remain silent and not incriminate yourself, your silence may be deemed insubordination, and as such, result in the imposition of administrative discipline up to and including termination. Any statement made by you under the compulsion of such a threat cannot be used against you in a later criminal proceeding related to this incident.

If you do answer my questions, your statements and any information gathered by reason of such will be held confidential, in accordance with CA Penal Code 832.7. Your statement and the information gathered shall not be divulged, except as required by law.

2. Do you understand these court decisions?
 3. Are you familiar with the Public Safety Officers Bill of Rights, as defined in the CA Govt. Code?
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 5. Do you understand that I am conducting an administrative investigation?
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 7. Do you understand this order?
 8. **Sergeant Steger**, are you prepared to be interviewed at this time?
-

Conclusion

1. **Sergeant Steger**, is there anything else regarding this incident and the investigations that we have not covered that needs to be added? Is there anything stated during this interview that needs to be changed or clarified?
2. After you leave this interview, should you recall anything that differs from, or is in addition to the information you provided today, you are ordered to provide that information to me as soon as practical.

Do you understand?

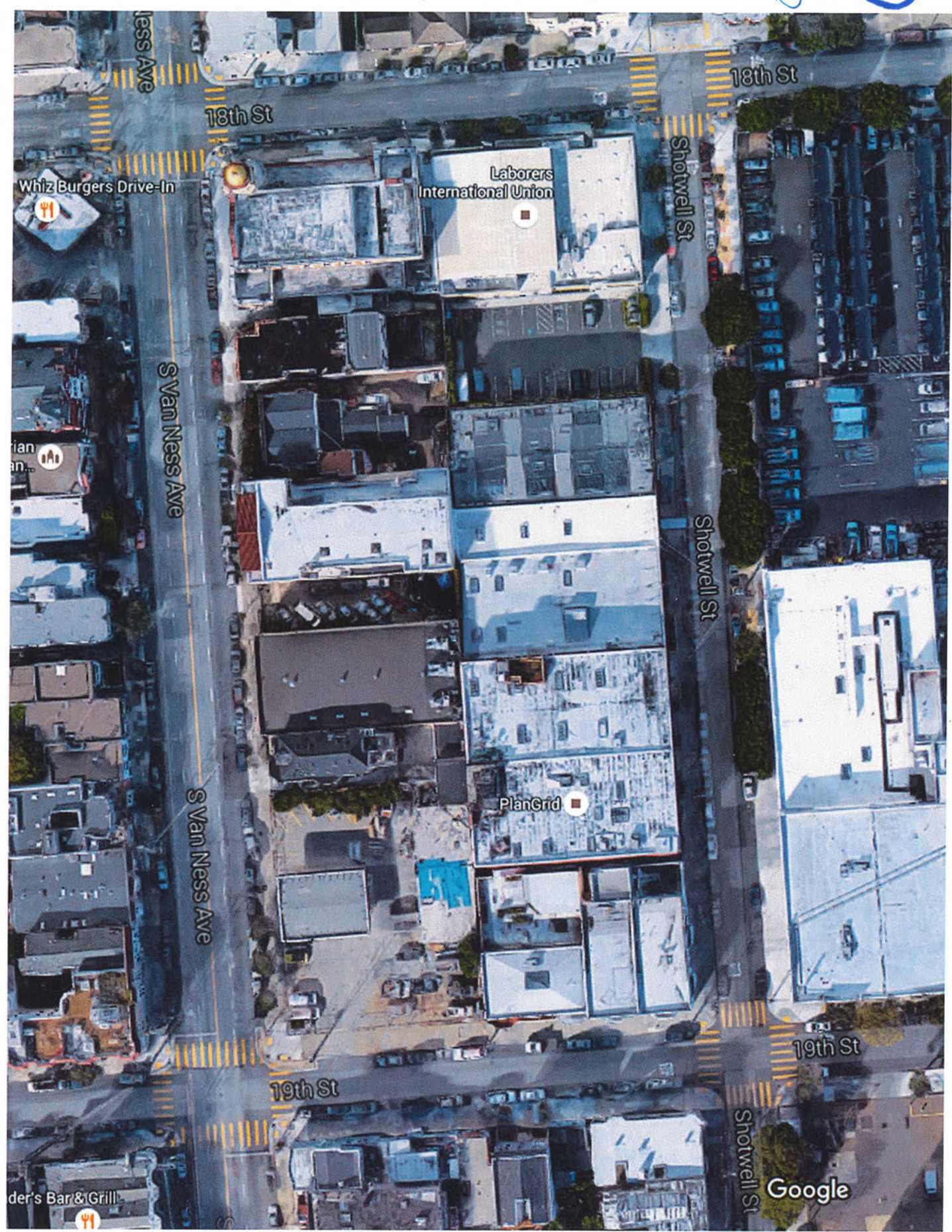
3. You may discuss this matter with your representative, as you choose. Otherwise, I am ordering you not to discuss any portion of this investigation with any other department employee.

Do you understand this order?

4. This interview is concluded. The time is _____ hours; the recording will now be ended.

#2252
04.19.10

Sgt. JOHN CRUDO #1694
1694



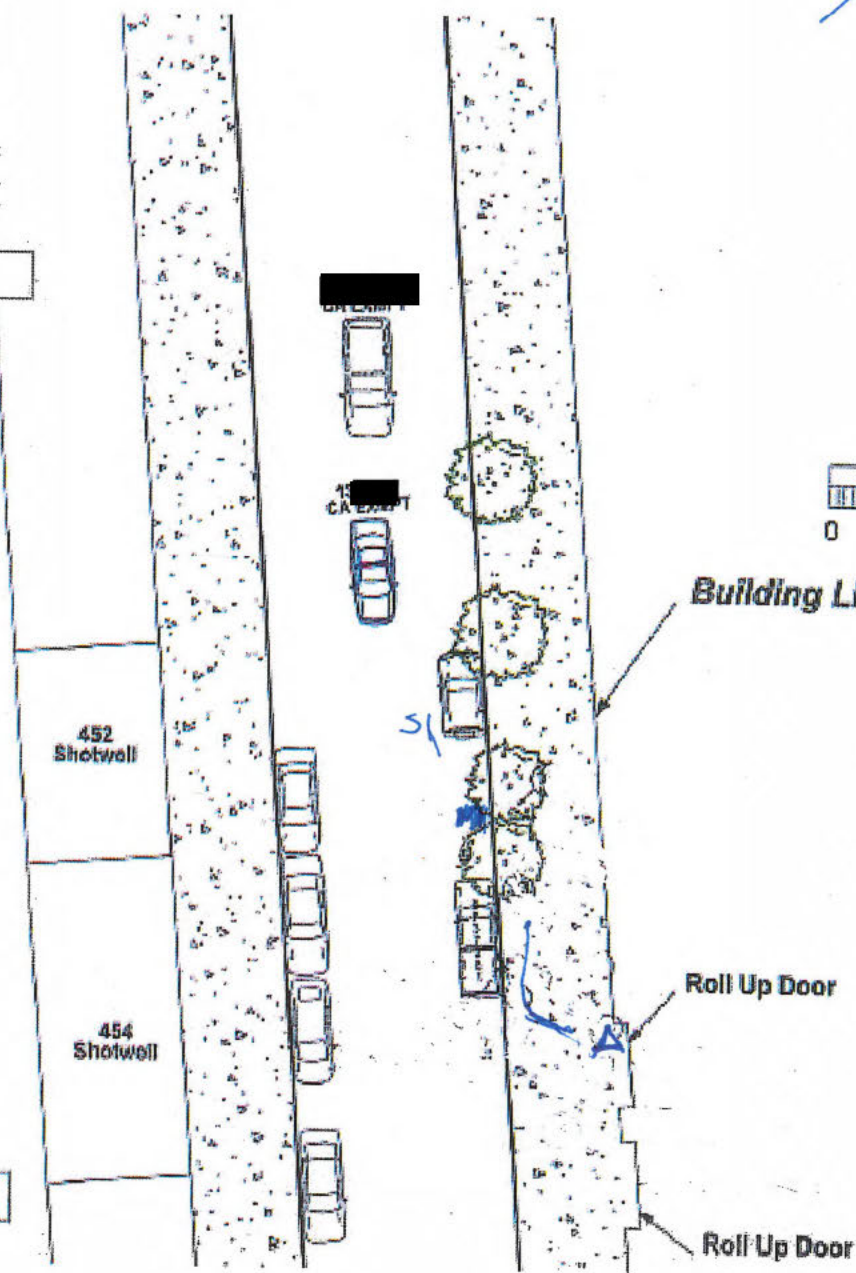
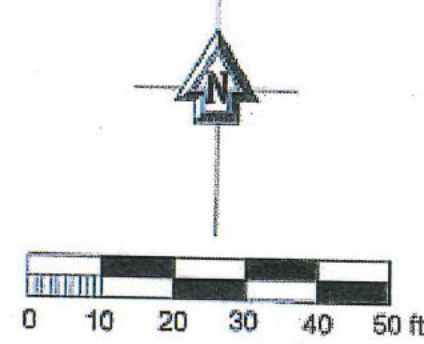
J.P.D. #3252
04.19.16

SGT. JOHN CRUDO #1694
2
1694

DRAFT

OFFICER INVOLVED SHOOTING

**400 Block
Of Shotwell Street**



Drawn By: Ofc. Juco 4121 4/7/2016

FIREARM DISCHARGE REVIEW BOARD

This order outlines the functions and responsibilities of the Firearm¹ Discharge Review Board and delineates the procedures for reviewing, investigating, and reporting to the Police Commission, cases in which members discharge a firearm.

I. POLICY

A. DUTIES OF BOARD

It is the policy of the San Francisco Police Department to review every instance in which a firearm is discharged whether or not such discharge results in an injury or death. The Firearm Discharge Review Board shall review every discharge of a firearm by a member.

The purpose of this review process is to ensure that the department is continually reviewing its training, policy and procedures in light of the circumstances that lead to firearm discharges by members and to determine if the discharge was in policy.

The San Francisco Police Department recognizes the public's right to know about this department's use of deadly force. It is the policy of the San Francisco Police Department to provide as much information as possible through this public reporting process while complying with applicable civil and criminal laws and preserving the integrity of ongoing investigations.

B. DEFINITIONS

- Officer-involved shooting.

An officer's discharge of a firearm that results in the physical injury or death of a person, even if it is an accidental discharge.

- Officer-involved discharge.

An officer's discharge of a firearm that does not cause injury or death to a person. Shooting at, injuring, or killing animals also fall into this category, including an accidental discharge that does not cause injury.

¹ For the purpose of this order, "firearm" is defined in conformance with California Penal Code Section 12001(b), excluding Extended Range Impact Weapons shall not be considered firearms within the meaning of this order.

C. COMPOSITION

1. The Department Firearm Discharge Review Board shall be composed of:
 - Member of the Police Commission, Advisory
 - Deputy Chief of the Administration Bureau, Chair
 - Deputy Chief of the Field Operations Bureau
 - Deputy Chief of the Airport Bureau
 - Deputy Chief of the Investigations Bureau
 - Range Master, Advisory
 - Commanding Officer of Risk Management, Advisory
 - Director of the Office of Citizen Complaints (OCC), Advisory
2. The Police Commission member shall be appointed by the Commission President and serve a one year term.

D. FUNCTION:

Officer Involved Shootings:

1. Within 30 calendar days following receipt of investigatory reports from the Homicide Detail and Management Control Division regarding a shooting event, the Chair of the Department Firearm Discharge Review Board shall convene the panel to determine whether the shooting was within policy. Within 30 days following the first meeting of the Firearm Discharge Review Board, the Chair shall report the status of the matter to the Commission. Within 120 days following the first meeting of the Firearm Discharge Review Board the panel shall complete its investigation and issue its findings in accordance with this policy.
2. The Firearm Discharge Review Board shall review written reports submitted by the Homicide Detail - Criminal Investigation, and the Management Control Division - Administrative Investigation.
3. The Firearm Discharge Review Board shall review the submitted reports and interview the involved investigators, as necessary.

4. The Firearm Discharge Review Board shall discuss the circumstances surrounding the shooting event and the response of the officer(s). Within 15 days of completion of the investigation referred to in paragraph I. D.1., the Firearm Discharge Review Board will submit to the Chief of Police, for his/her concurrence, a written summary of its findings on the officer-involved shooting. This summary shall indicate one of the following findings:

In Policy - The actions of the officer in response to the circumstances leading to the discharge of his/her firearm were appropriate and consistent with department policy.

Not in Policy - The discharge of the firearm was not appropriate under the circumstances and was not consistent with department policy.

This finding shall be accompanied by a recommendation for discipline, or a referral to M.C.D. for further investigation. The Firearm Discharge Review Board shall assign a due date for cases found Not in Policy and referred back to MCD for further investigation.

These findings, In Policy, Not in Policy, shall also include a review of applicable department policy, lack of department policy and recommendations for further policy adoptions.

Further Investigation – Matter referred back to M.C.D. for further investigation or clarification, with a stated due date to the Review Board.

The Chief shall review for concurrence and forward the Firearm Discharge Review Board's written summary to the Police Commission, with a copy to the OCC Director, within 15 days of receipt. In the event of disagreement between Management Control and the Firearm Discharge Review Board, the Chief of Police shall make the final decision. This summary report with the Chief's decision shall be a public record. No report that is made public shall disclose any information deemed confidential by law.

The Director of the O.C.C. shall review the investigation and summary and recommend any further action (including an independent investigation) that the Director concludes is warranted. A summary of the O.C.C. Director's recommendations shall be a public record.

The Police Commission shall review the Firearm Discharge Review Board's summary and the O.C.C. Director's recommendations and take action as appropriate. No report that is made public shall disclose information deemed confidential by law.

Officer Involved Discharges:

At least once during each quarter of the year, the Firearm Discharge Review Board shall convene to review all Officer Involved Discharges investigated by the Commanding Officers of the members involved. The Firearms Discharge Review Board will meet on the 3rd Tuesday of March, June, September and December to review Officer Involved Discharges that were not addressed in previous meetings during the respective quarter.

The Firearm Discharge Review Board shall review the submitted reports and interview the involved investigators, as necessary.

These discharges shall be reported to the Commission on a quarterly basis. A summary report will be provided at the 1st Police Commission meeting following the reporting quarter. Police Commissioners shall have complete access to reports.

E. POLICE COMMISSION QUARTERLY REPORT

The Chair of the Firearm Discharge Review Board shall prepare a quarterly report to the Police Commission, and a copy to the Director of the O.C.C., that contains a summary of each Officer-Involved Shooting and Officer-Involved Discharge, any disciplinary action or training recommended, and proposals for modifying department policy. This report shall be a public record. No report that is made public shall disclose any information deemed confidential by law.



DPA

San Francisco Department of Police Accountability

Paul David Henderson
Executive Director

February 4, 2019

Don Knobles
The Law Offices of Don Knobles
2121 North California Blvd. #209
Walnut Creek, CA 94596

RE: DPA Case No. 0164-16

Dear Counsel,

We received your January 30, 2019 email, confirming that you received copies of your client's interviews and transcripts and requesting discovery of all relevant reports. Please find enclosed copies of all reports responsive to your request. We are providing these records to you to fulfill our obligation pursuant to Government Code section 3303(g).

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Stonecipher", with a long horizontal line extending to the right.

Matt Stonecipher, Investigator
Direct Line: 415-241-7755
Email: matt.stonecipher@sfgov.org



DPA

San Francisco Department of Police Accountability

Paul David Henderson
Executive Director

February 4, 2019

Scott Burrell
The Burrell Law Offices
1306 Pine Street
Walnut Creek, CA 94596

RE: DPA Case No. 0164-16

Dear Counsel,

In preparation for your client's second interview, we previously provided you with copies of your client's prior statements. We are now also providing you copies of reports relevant to this investigation. We are providing these records to you to fulfill our obligation pursuant to Government Code section 3303(g).

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Stonecipher", followed by a horizontal line.

Matt Stonecipher, Investigator
Direct Line: 415-241-7755
Email: matt.stonecipher@sfgov.org